OF

THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON FRIDAY THE THIRTY FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD, 1841, AND OF THE COMMONWEALTH THE FIFTIETH.

FRANKFORT, KY.

A. G. HODGES......STATE PRINTER.
1841.

JOURNAL OF THE SENATE.

At a General Assembly, begun and held for the State of Kentucky, at the Capitol in the town of Frankfort, on Friday the 31st day of December, one thousand eight hundred and forty one, it being the day appointed by law for the meeting of the General Assembly—Mannius V. Thomson, the Lieutenant Governor took the Chair as Speaker of the Senate, and the following members of the Senate appeared and took their seats, to wit:

From the first Senatorial District, Thomas James; from the third, Samuel B. Jesup; from the fourth, James V. Walker; from the fifth, William R. Griffith; from the sixth, William V. Loving; from the seventh, Asa Young; from the eighth, James C. Sympson; from the ninth, John D. Alexander; from the tenth, Parker C. Hardin; from the eleventh, Rodes Garth; from the thirteenth, Dillis Dyer; from the fifteenth, Henry Pirtle; from the sixteenth, James N. Hughes; from the seventeenth, George W. Johnston; from the nineteenth, Robert C. Palmer; from the twentieth, Robert B. McAfee; from the twenty first, Isaac Burnett; from the twenty second, Winford G. Bailey; from the twenty fifth, John Wallace; from the twenty sixth, John Bennett; from the twenty eighth, Benjamin B. Johnson; from the twenty ninth, John Pratt; from the thirtieth, Mark E. Huston; from the thirty first, William Rodes; from the thirty third, Samuel L. Williams; from the thirty fourth, James M. Rice; from the thirty seventh, Mason Williams; from the thirty eighth, Samuel Hanson.

The said William V. Loving, John D. Alexander, Rodes Garth, Robert C. Palmer, Robert B. McAfee, John Bennett, Benjamin B. Johnson, Mark E. Huston, and William Rodes, severally produced certificates of their election and took the several oaths required by the Constitution of the United

States, and Constitution and laws of this State.

James Stonestreet was elected Clerk of the Senate during the present session—whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

Mr. Huston nominated John Mayhall as a proper person to fill the office

of Sergeant-at-Arms of the Senate during the present session.

Mr. McAfee nominated William McBride. Mr. Pirtle nominated B. R. Pollard. Upon taking the vote it stood thus:

Those who voted for Mr. Mayhall, were-

Messrs. Alexander,	Huston,	Wallace,
Bailey,	Loving,	Walker, J. V.
Bennett,	Rice,	Williams, M.
Burnett,	Rodes,	Williams, S. L.
Hanson,	Sympson,	Young—16.

Those who voted for Mr. McBride, were-

Messrs. Johnson, B. B.	Palmer,	Pratt—4.
McAfee,		

Those who voted for Mr. Pollard, were-

Messrs. Dyer,	Hughes,	Johnston, G. W.
Garth,	James,	Pirtle—8.
Griffith.	Jesup.	

John Mayhall having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms of the Senate during the present session—whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

Mr. Pratt nominated A. R. Lindsay as a suitable person to fill the office of Dook Keeper of the Senate during the present session.

Mr. Young nominated A. G. Taylor; Mr. B. B. Johnson nominated W. N. Pettit; Mr. Hanson nominated Henry C. Banks; Mr. Garth nominated Jacob Cox; Mr. Geo. W. Johnston nominated C. N. Johnston; Mr. Mc-Afee nominated H. Powell. Upon taking the vote it stood thus:

For Mr Lindsay—Thomas James. For A. G. Taylor—J. D. Alexander. For W. N. Pettit—B. B. Johnson.

Those who voted for Mr. Banks, were-

Messrs. Bailey,	Jesup,	Rodes,
Burnett,	Johnston, G. W.	Sympson,
Dyer,	Loving,	Wallace,
Griffith,	Palmer,	Walker, J. V.
Hanson,	Pirtle,	Williams, M.
Hardin,	Pratt,	Williams, S. L.
Hughes,	Rice,	Young—22.
Huston,		

For C. N. Johnston—None. For H. Powell—R. B. McAfee.

Henry C. Banks having received a majority of all the votes given, was declared duly elected Door Keeper of the Senate during the present ses-

sion—whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

On the motion of Mr. Huston,

Resolved, That the Clerk of the Senate be authorized to appoint an assistant Clerk during the present session, and that he be responsible for the discharge of the duties of the same; and that he shall have power to remove such assistant Clerk at pleasure.

The Clerk, with the consent of the Senate, appointed Theodore Kohlhass assistant Clerk—whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

On the motion of Mr. Rice,

Ordered, That a message be sent to the House of Representatives, informing them that the Senate have met, elected their officers, and are now ready to proceed to legislative business; and Messrs. Rice and Jesup were directed to carry said message.

A message was received from the House of Representatives, by Mr. Dixon, announcing that they had met, formed a quorum, organized, and are now ready to proceed to legislative business.

Messrs. Pirtle and Rodes were appointed a committee, on the part of the Senate, to wait upon the Governor and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make.

Ordered, That Mr. Pratt inform the House of Representatives thereof.

A message was received from the House of Representatives by Mr. Smith, announcing that they had appointed a committee, on their part, to wait upon the Governor and inform him that the General Assembly have convened, and are ready to receive any communication he may think proper to make.

The committee on the part of the Senate retired, and after a short time returned, when Mr. Pirtle reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would make a communication, in writing, to each house immediately.

Mr. James moved the following preamble and resolution, to wit:

WHEREAS, the people of the second Senatorial District, composed of the counties of Caldwell, Livingston and Union, failed, at the last August election to elect a Senator for said district—

Resolved, That a writ of election issue, directing an election to be holden in the several counties composing said district on the day of January, 1842.

Which was twice read and laid on the table.

On the motion of Mr. G. W. Johnston, leave was given to bring in a bill to extend the charter of the Bank of the Commonwealth of Kentucky, and Messrs. Johnston, Hanson and Loving were appointed a committee to prepare and bring in the same.

After a short time Mr. Johnston reported said bill, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

A message, in writing, was received from the Governor by Mr. Harlan, Secretary of State, which was read as follows, to wit:

Gentlemen of the Senate,

and of the House of Representatives:

It would have given me great satisfaction, if the condition of our public affairs would justify me in doing so, to announce to you, at the moment of your meeting, the glad tidings that the difficulties in relation to our monetary affairs had been entirely removed and that our currency had once more been placed upon a safe and stable foundation. Such I deeply regret to say is not the case. The ardent wishes and just expectations of the country in this particular have been wholly disappointed. For causes well known to the public, the General Government failed to consummate any measure, at the late extra-session of Congress, for the establishment of a sound and uniform circulating medium. The unfortunate consequence is, that the derangement of the currency throughout the Union continues to exist and to increase, whilst the value of all property, particularly of agricultural products, has greatly diminished, and is still diminishing.

I deem it wholly unnecessary at this time to discuss the question of the expediency and the necessity of establishing a National Bank. My views in reference to that subject were briefly suggested in my Message at the commencement of your last session. I must, however, be permitted most respectfully to say, that as the General Government possesses the power, so it is her duty, without further delay, to make adequate provision for an equal and uniform currency commensurate with the wants of the people of the whole Union, by the establishment of a National Bank, or something equivalent to it. There is no other mode, it seems to me, by which the country can be restored permanently and certainly to a wholesome condition.

It is perfectly apparent that the State Banks cannot accomplish this necessary and desirable object, and it is equally clear—indeed, no truth in human affairs was ever rendered more distinctly manifest by bitter experience—that this country, with all its distinguished advantages of climate and soil, aided and sustained, as it is, by an industrious and enterprising population, cannot ever attain its proper elevation in prosperity, or ever enjoy the blessings of a safe and uniform currency without the benefits of some such institution as that of a United States Bank. We have had experiment after experiment, each terminating in the same disastrous result, and each afflicting the country with increased and more aggravated distress.

Of all the great powers and responsible duties with which the General Government is charged under the Federal Constitution, there is none, as I sincerely believe, so essential and so important to the State of Kentucky as the faithful execution of the power to establish a sound and uniform circula-

ting medium.

But whether an institution created for the use and convenience of the Federal Government alone, looking to its own exclusive interest, affording no general circulation, no accommodation, lending no facilities to the industry and business of the country, having no checks or balances, managed and controlled by a few government favorites, and swelling executive influence, will, in any degree, alleviate the present distresses of the country, and establish a currency upon a sound basis, is a question which I will not now undertake to discuss.

A regulator of the currency is needed; an institution which would rid the country of its disordered circulation, awaken its energies, revive its

hopes, and restore its confidence.

In a country so extended as ours, with its activity of commerce and its diversified interests, without a convertible currency—one which the people can use—and without a near approximation to equality of exchanges, it is impossible for industry to reap its just rewards, business to flourish, or the community to prosper. Whilst the great inequality of exchanges, always produced by a vitiated currency, will secure wealth to brokers and money dealers, it will as certainly, in the end, impoverish the farmer, the mechanic, and all other classes of the working community. Look for a moment how

severely it effects the citizens of the Commonwealth at present. The continued importation of foreign goods from the Eastern cities necessarily and constantly creates a demand for exchanges at those points. The difference in exchanges when a National Bank was in operation, it will be remembered, was almost nominal-about one half of one per cent. Now, it is from 31 to 7 per cent. This difference forms one of the elements of the prime cost of the goods, and the consumers pay that much more for them than otherwise they would have to pay. At the same time let it he borne in mind, that those who purchase our products for the southern market, estimate very largely, if not very accurately, the loss they are likely to sustain by being compelled to take depreciated paper in the States to which they trade, and therefore regulate their purchases accordingly. Thus it acts like a two edged sword, it is a double operation; we are taxed in every direction. The farmers pay more for the goods they consume, and receive less for their agricultural products. And this state of things is daily growing worse. The enormous rate of exchanges at present is cramping and paralizing all the energies of the State.

Whenever we have had a National Bank, we have had every where a convertible, redeemable currency, by which the value of property could be clearly estimated. When deprived of that institution, we have had uniformly suspension of specie payments, sudden reduction of the price of property, a heavy pressure, great embarrassment, and individual ruin. Such is our unhappy condition at present, and such I apprehend it will continue

to be, in a greater or less degree, until the right remedy is applied.

Amidst all this distress however, this heavy, unjust and burthensome oppression, it is matter of consolation to be able to say, that the Banks of this State have been managed with such caution and discretion, that for all purposes of interior trade, they have had the ability to supply a currency as nearly approximating to a specie standard as any paper currency can be, not redeemable on demand in specie. Still, I must be allowed to say, that a long continuance of the suspension of specie payments is a state of things much to be deplored, and utterly inconsistent with law, with sound policy

or sound morals, and can only be excused or tolerated upon the ground of a necessity beyond the control of the Banks, and originating in causes beyond the limits of the Commonwealth. But, under existing circumstances, whether it would be expedient at this moment, and until the prospect of effecting a general resumption of specie payments by concert with the Banks of other States with which we have most extensive commercial connexions, to compel our Banks to resume specie payments, is a matter—to say the least of it—exceedingly questionable. It is a subject of the utmost importance, and one in which the people of the State are most deeply concerned. My opinion is, that no one State—certainly no interior State—extensively and intimately connected as is ours, both socially and commercially, with her sister States, can stand alone in the payment of its notes in specie, whilst the Banks of all the surrounding States refuse the payment of theirs in specie, and whilst also specie is in constant demand for exportation.

The consequences which would follow from compulsive resumption against our Banks, without concurrent resumption on the part of some of the other States with which we stand most intimately connected in trade, are considerations which doubtless will be duly weighed by the General Assembly. I apprehend the immediate effect would be to aggravate, if not greatly to increase, the existing pressure upon the country. The Banks, it is true, judging from a report of their means, may be, and I believe are, entirely able to sustain themselves in specie payments; but in this process, unaided and unsupported by any of the Banks of the neighboring States, whether our specie would not immediately flow out of the State-whether sudden contractions would not necessarily follow-whether the Banks would be in a condition to furnish any accommodations or facilities to the commerce of the State-and, whether they would not be under the necessity of coercing their debtors too suddenly, by which the prices of property, already too low, would not be greatly reduced—are considerations which create in my view, the conviction of the impolicy of immediate coercive resumption. Still I think our Banks should be made to resume, and I am led to believe they are anxious for the day to arrive, the very instant the chief Banks of the neighboring States resume. But to the superior wisdom of the Legislature I submit the subject, holding myself ready to co-operate with them in any action which they may deem the public interest requires. I think the question should be considered wholly and exclusively in reference to the interest of the public. Should it be deemed by the General Assembly inexpedient to compel our Banks to resume specie payments without some concert with the Banks of other States, I recommend that in the mean time a vigilant watch be kept over them, to guard against all abuses, so that if the General Government shall continue to neglect or refuse to perform its duty in respect to the currency, our Banks may be compelled to perform theirs, at any moment the Legislature may think the public interest demands it.

Congress, at its late session, passed an act to appropriate the proceeds of the sales of the public lands among the several States. Allow me to congratulate you and the people of the State most cordially upon the adoption of this great measure—a measure in every respect just, wise and benificent, and demanded by every consideration of equity and sound policy. A copy of the act is transmitted with this communication. It provides that the nett proceeds of the sales of the public lands, made subsequently to this day, shall be divided among the several States and Territories according

to their respective federal representative population, as ascertained by the last census, "to be applied by the Legislatures of the several States to such purposes as the said Legislatures may direct," and that the same shall be paid at the Treasury of the United States, half yearly, on the first day of January and July in each year, to such person or persons as the respective Legislatures of the said States and Territories, or the Governors thereof, in case the Legislatures shall have made no such appointment, shall authorize and direct to receive the same.

It is supposed that the amount to which this State will be entitled annually under this act, will be at least one hundred and forty thousand dollars. The disposition which should be made of the money when received, is a question of deep and vital importance to the interests of the people of this Commonwealth. Permit me, most respectfully, but at the same time most earnestly, to recommend that it should not be the occasion or foundation of new expenditures: but that it be applied exclusively to the payment of the principal of the debts created for Internal Improvements.

The Lexington and Ohio Railroad Company having failed to avail itself of the benefit of the provisions of the act of the last session, authorizing an additional loan of eighty five thousand dollars for the repair of the road between Lexington and the Kentucky river; the Auditor, in pursuance of the act of 1833, has advertised the road for sale to reimburse the State for the money already advanced, and that she is bound to pay for the Company. The State has paid, as the surety of the Company, for interest on money borrowed by it, the sum of \$28,544 64 as will appear from the report of the Treasurer. In the event the State becomes the owner of the road by purchase, I submit to the General Assembly the propriety of making an appropriation to put it in complete repair. I know of no other mode by which the State can indemnify herself for the money she has already advanced, and for the liability under which she is placed. With regard to the costs of repairs and the profits it would yield to the State when repaired, I refer you to the estimate made, at my request, by the President of the Company for your information, and which I transmit herewith. I think this estimate may be fully confided in for its accuracy. Should the road be left in its present condition, it would very soon become worthless.

By the act of the 21st of February, 1840, the charter of the Bank of the Commonwealth was extended and continued in force until the 1st of January, 1842. The concerns of that institution not having been brought to a close, and the State having a considerable sum still due to it, I suggest the propriety of the immediate passage of an act extending the charter of the Bank for such a period as will enable its officers to collect that portion of the

debts still unpaid and believed to be safe.

The law regulating the election of State Senators needs amendment. There is no mode of deciding who is entitled to the certificate of election when the candidates have an equal number of votes. In consequence of this defect in the law, a vacancy now exists in the Senate which cannot be filled without some further legislation. Your immediate attention to the subject is earnestly requested.

I regret extremely to inform you, that the fraud perpetrated by the Schuylkill Bank of Philadelphia, whilst acting as the transfer agent of the Bank of Kentucky in that city—of which you are already apprised—remains unadjusted. The consequence is, the State continues to be deprived of

her accustomed dividends from the latter institution. The Bank of Kentucky, through the agency of William S. Waller, Esq., has, since your last session, completed the examination of the transfers of stock so as to designate the present holders and various transfers of the original stock, and also that of the fraudulent issue made by the Schuylkill Bank. I am inclined to believe the Bank of Kentucky has used great exertions to bring this unfortunate matter to an amical close, but its efforts so far have not been successful,

nor is the prospect of an adjustment by any means flattering.

In June last, the Directory of the Bank of Kentucky sent a deputation to Philadelphia, composed of gentlemen of high standing and character, to compromise the difficulty with the Schuylkill Bank. Being apprised that this delegation were about to repair to Philadelphia, steps were promptly taken to guard the interests of the Sinking Fund and Board of Education by the appointment of a gentleman of undoubted qualifications, to act on the occasion in their behalf, and to protect their rights in the negotiation. But it appears by the report of the deputation from the Bank of Kentucky and the publication of the Directory, that the Schuylkill Bank was entirely indisposed to enter into any arrangement which would result in the surrender of the money received by it for the forged certificates; and in fact it would not permit its books to be examined, either to confirm or to refute the allegation, that the forged certificates had been sold and the proceeds appropriated to the payment of pressing liabilities against the Bank. To this report I beg leave to refer you for information more in detail upon this branch of the subject.

I am led to believe, and presume there can be no doubt of the fact, that the Schuylkill Bank is now, and has been ever since that atrocious fraud was perpetrated, using, holding, enjoying, and perhaps banking upon nearly the

whole proceeds of the forged certificates issued by that Bank.

This fraud, so far as I am advised, has not been investigated by a committee of the Legislature of Pennsylvania, nor has any investigation by the courts, brought the perpetrators of it to public justice, nor has an indignant public sentiment caused a surrender of the large sums so fraudulently acquired. I understand that the Schuylkill Bank claims a court of justice as its forum, and refers the victims of its dishonest acts, to the delays, uncertainties, and expenses of litigation. A multiplicity of suits, great delay, and heavy expenses would be the inevitable consequence, whilst a misconception of the character of the action might enable it in many cases to avoid the claim by pleading the statute of limitations. In this state of things, many holders of the certificates alleged to be forged, (not admitting the forgeries as to their certificates) look to and claim indemnity from the Bank of Kentucky. To test her liability, suits have been brought and are now pending.

In some instances the holders of the original genuine stock are also the holders of spurious certificates. Many of the owners of the genuine stock believe the holders of the forged certificates are innocent purchasers for a valuable consideration without notice, and ought not therefore to sustain an entire loss. They allege, moreover, that as the Bank has ceased to make any dividends or to permit any transfers of stock to be made until this difficulty shall be settled, it would be equitable, in their view, to place the holders of spurious certificates upon an equal footing with the owners of the genuine stock, in order that the question may be at once settled, and the

Bank compelled to make dividends, and the holders of stock be enabled to transfer it.

Should the courts decide that the Bank of Kentucky is liable for the consideration paid for the forged certificates, with interest, those certificates will be worth greatly more than the original shares, inasmuch as the genuine stock must contribute to pay them; but should the courts make a contrary decision, the holders of the spurious stock will lose all, unless they are enabled to extract something from the Schuylkill Bank.

I have been informed that an application will be made by the Stockholders of the Bank of Kentucky for an amendment of its charter to enable those interested in its stock, to adjust, on fair and equitable principles, the claims of all those who hold certificates, or have stock to their credit. Should such an application be made, you will doubtless give it a candid consideration; and when all the facts shall be before you, come to such a conclusion as the justice of the case requires.

Under all the circumstances, I can scarcely, for a moment, believe it is possible, upon due reflection and a just reconsideration of the subject, that the gentlemen in the management of the Schuykill Bank will persist in withholding our honest means, even down to the little pittance set apart for the benevolent purpose of educating the destitute children of the State. If they should, however, we must try what virtue there is in the law. Eminent counsel has already been employed, and is now in the City of Philadelphia, with instructions to prosecute any suit which he may deem necessary to secure the rights of the Sinking Fund, and the Board of Education.

The Keeper of the Penitentiary, by authority of law, under the direction of the Commissioners of the Sinking Fund, has completed the two hundred and fifty two cells referred to in my message of last year as being then in progress. They are now occupied by the convicts. The whole work is executed in handsome style, upon a good plan and of durable materials; and I am glad to say adds very much to the comfort, safety and convenience of the prison. The old cells being removed, the area of the prison is enlarged, and with the removed materials, the Keeper is erecting an outer wall of considerable dimensions, which will secure the principal entry against all dangers of escape by the prisoners; and furnish a safe deposit for lumber and manufactured articles. This wall is nearly completed and will be a valuable addition to the Institution.

I think the Keeper is justly entitled to high commendation for the ability with which he manages the institution, and his humane treatment of the prisoners. If the Legislature were to authorise the Keeper to purchase or lease at a reasonable price, to be paid by the institution, about four or five acres of ground conveniently situated, upon which to raise vegetables for the use of the prisoners, it would not only lessen the expenses of the institution, but be promotive of the health of its inmates. The old and infirm convicts, now of little or no service to the prison, might be profitably employed in that way.

I beg leave to refer you to the annual report of the Board of Internal Improvement, which will be shortly submitted to your consideration, showing in detail the expenditures, progress and present condition of the Public Works. Amongst other facts of a gratifying character, I am happy to inform you, it contains the cheering information that the navigation of Green river, from the flourishing and growing town of Bowlinggreen to the Ohio

river, is now in complete and successful operation by means of slack water navigation. The value and importance of this great improvement connecting itself as it does with a fertile and productive agricultural portion of the State, passing through a region abounding in inexhaustible beds of stone-coal and iron-ore, and affording a safe navigation, as is believed, almost the entire year, cannot be too highly estimated. The report will exhibit also the pleasing intelligence, that the works on the Kentucky river, though not entirely in a state of completion, are still so far advanced as to admit of safe and uninterrupted navigation from this point to the Ohio river, and the lock and dam No. 5, above this place, is expected to be finished very soon. The improvement upon this river as far as it has progressed is of great public utility and it is believed will, in some degree, be profitable to the State.

If the works already erected, after a fair trial, should add facilities to our commerce, cheapen transportation, and at the same time prove to be a source of revenue to the State, as many of our most scientific and experienced citizens, whose opinions are entitled to much weight, confidently anticipate—the Legislature, hereafter, in periods of greater prosperity, having the necessary information before them, will doubtless gradually and prudently extend the system so as to connect it with those valuable portions of the country abounding in the articles of salt, stone-coal and iron-ore.

The works on the Licking river, as will appear from the report, are still

in progress but none of them completed.

The report of the Superintendent of Public Instruction will, in due time, be laid before you, showing the progress made in establishing the system of common schools during the past year, the number of districts which have embraced the system, and the amendments which may be necessary to ren-

der it more acceptable to the people.

The report of the Second Auditor, which will be submitted to you by that officer, will exhibit the state of the finances for the fiscal year ending the 10th of October last. I am gratified in being enabled to inform you, that the receipts into the Treasury, of the ordinary revenue, during that period have been sufficient to pay all demands upon it, and left a surplus of \$28,345 80. For many years heretofore, there has been a deficit at the end of each fiscal year varying from \$96,000 to \$17,000, which had to be supplied by over drafts on the Bank, or by loans directly obtained from it.

The act of the last session imposing an additional tax of five cents upon every hundred dollars worth of property liable to be assessed under the existing revenue laws, will increase the resources of the Sinking Fund at least the sum of \$120,000. This will enable the Commissioners of that Fund to discharge punctually the interest of the public debt. Their report showing the several amounts received and disbursed for the year ending the 10th instant, will be communicated to you at an early day of your session, to which

I beg leave respectfully to refer you.

In my message at the commencement of the last session, I stated that the money borrowed for Internal Improvement purposes, and for which bonds had been issued, amounted to \$1,385,000, at an annual interest of five per cent. and \$1,765,000, at an interest of six per cent., all of which loans had been made for extended periods, varying from twenty to thirty five years, and \$560,000, at an interest of six per cent. and payable six years after date—making the aggregate amount issued \$3,710,500—which included \$917,500, the amount held by the Board of Education, and \$20,000, held

by the Commissioners of the Sinking Fund—which left the sum of \$2,773,000, as the exact amount of the public debt, for which bonds had been executed. Since that time, there have been issued by authority of law \$49,500, of bonds payable in six years, and \$539,000, in bonds payable in thirty years at an annual interest of six per cent. Exclusive of the amount of the bonds executed to the Board of Education, and to the Commissioners of the Sinking Fund—these being debts due from the State to itself—and including \$40,000, borrowed by the Board of Internal Improvement from the Banks, the entire amount of the public debt to this time is \$3,401,500, of which \$515,000, is at the rate of five per cent. and \$2,886,500, at six per cent interest.

That you may be enabled to understand more fully the exact condition of the public debt, I herewith transmit a statement showing the several amounts borrowed, the dates of the loans, from whom borrowed, and the

law under which each loan was obtained.

This exhibition of our financial condition is quite encouraging, and establishes clearly the gratifiying fact that our State debt bears little or no comparison with that of most of the other States; that if prudently and wisely managed it can be discharged with the most entire ease, without in any respect proving a cause of oppression or inconvenience to our citizens; and that the State has in some degree realized an equivalent for her indebtedness in the construction of many useful and valuable public works.

I must, however, be allowed to say, most respectfully, but at the same time most earnestly, that we are admonished, as I think, by every consideration of sound policy, by the present condition of our currency, by the prevailing pecuniary embarrassments of the people, by the depressed prices of every description of property, of the absolute necessity and propriety of great caution and forbearance in the further prosecution of works of internal improvement at this time. After finishing such works as are under contract and now in progress of completion, let us rest at least until periods of greater prosperity. I beg you to understand, that the views I had the honor of submitting to you at the opening of the last session of the Legislature upon this subject are the same now entertained by me.

I recommend, also, with all due respect, that every unnecessary expense connecting itself in any way with this system be dispensed with, and that the strictest principles of economy and accountability be applied to it in all

its operations.

To free ourselves from debt, to meet all our liabilities promptly, to maintain our character untarnished, to stand before the world as a bright example of a State always ready and willing to comply with her engagements, to furnish no just cause of complaint to any one, either citizen or foreigner, with whom we have contracts, to avoid heavy indebtedness and heavy taxation, and in all things to act honestly and uprightly—is, in my humble view, a matter of higher, deeper, nobler importance, than the completion of all the Internal Improvements which could be devised by the ingenuity of man, if made at the sacrifice of honor and violated faith, with the money of other people fraudulently and meanly obtained, and when due, dishonestly and corruptly withheld.

The illustrious Commonwealth of Kentucky, I am most happy to say, occupies a pre-eminent place in the estimation of her sister States, not only for her patriotism, but for her integrity. She can hold up her head with

pride and confidence before the whole world. Her faith has never been forfeited, her credit has never been dishonored, and I am bold to say never will be with the consent of her worthy and patriotic citizens. The price of her bonds, even in the present depressed state of the money market, proves her standing and character abroad, and ranks her in the highest class of States determined to meet their liabilities. This must be a most gratifying fact to every citizen of the State. May she always maintain the high reputation she now enjoys. The best mode of effecting this object, however, suffer me to say, is to look with a steady and constant eye to the payment

of our old debts, and to be careful how we contract new ones.

In concluding this communication, I hope that it will not be considered inappropriate in me to express the anxious wish that you may discharge the responsible duties in which you are about to engage with distinguished ability—that your councils may be harmonious, and your measures prudent, safe and discreet; that the prosperity, the happiness and the honor of the State may be advanced by your labors, and that you may be guided and protected in your deliberations by that all wise and bountiful Providence who continues to bestow his rich favors of health, peace, and all the comforts of life upon our beloved Commonwealth, and to whom we owe a debt of constant and increasing gratitude for the enjoyment of so many blessings.

R. P. LETCHER.

DECEMBER 31, 1841.

Date of issuing Bonds.	Amount of each issue,	To whom issued and delivered.	Date of Law authorizing their issue.	Amount authorized to be issued under each act.	Amount is- sued under each act.	When re-im- bursable or payable.	Rate of Interest.	Remarks.
1835, May 25, 1835, August 1,	\$100,000 100,000	Bank of Kentucky, Prime, Ward & King,	February 25, 1835,	\$1,000,000	200,000	30 years,	5 per cent.	
1836, April 25, 1836, June 1,	100,000 50,000	Northern Bank of Ky. Bank of Kentucky,	{ February 29, 1836,	1,000,000	150,000	30 years,	5 per cent.	
1837, April 1,	165,000	War Department,	February 23, 1837, }	limited by pre-	{ 165,000	35 years,	5 per cent.	
1838, July 1,	1,250,000	American Life Insur-	} February 16, 1838,	1,250,000	1,250,000	30 years,	6 per cent.	
1840, —	33,000	Contractors & others,	February 22, 1839,	1,000,000	33,000	30 years,	6 per cent.	
Between 22 April, 1840, to 19 Feb- ruary, 1841,	609,500	Public Contractors,	February 21, 1840,	1,500,000		6 years,	6 per cent.	
1840, November 4, 1840, November 4,	235,000 180,000	Northern Bank of Ky. Bank of Kentucky,	and	and	1,563,500	30 years, 30 years,	6 per cent. 6 per cent,	
April and 22 De-	539,000	Public Contractors,	February 18, 1841,	196,000		30 years,	6 per cent.	
	30,000 10,000	Bank of Louisville, Frankfort Br. Bank,	Act of December 23, 1836, authorising the Board of Internal Improvement to borrow money,		40,000	Temporary loan,	6 per cent.	These were borrowed by the B'd of Internal Improvement.
Total amount of the actual debt due by the State of Ky. to 28 Dec., 1841,	\$3,401,500				\$3,401,500			

Note.—In the printed copy of the Message of last year, the actual amount of the debt is stated at \$2,783,000. It should have been printed \$2,773,000.

Amount bearing an interest of 5 per cent., Amount at an interest of 6 per cent.,

\$ 515,000 2,886,500

\$3,401,500

Statement showing the amount, &c. of State Bonds issued to the Board of Education and Commissioners of the Sinking Fund.

Date of issuing Bonds.	To whom issued and delivered.	Amount.	Date of law authorizing the issue.	When reimbursable or payable.	Rate interest.	Remarks.
1837, July 1, 1 1837, Oct. 1, 1 1837, Oct. 1, 1 1839, Oct. 1, 1 1840, Jan. 1,	Board of Education, Board of Education, Commissioners Sinking Fund, Board of Education, Board of Education, Board of Education, Board of Education,	\$500,000 170,000 180,000 20,000 21,500 22,000 24,000 \$937,500	Act of Feb. 23d, 1837, February 22d, 1839,	Thirty five years. Thirty years.	5 per cent.	

RECAPITULATION.

Amount of five per cent Bonds issued to the Board of Education, Amount of six per cent Bonds issued to the same,	\$850,000 67,500
Total amount issued to Board Education,	917,500
Amount of six per cent Bonds issued to the Commissioners of the Sinking Fund,	20,000
Aggregate amount issued to the Board of Education and Commissioners of the Sinking Fund,	\$937,500

DISTRIBUTION BILL.

An Act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption rights.

SEC. I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the net proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: Provided, That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum

fund provided for by compacts with several of the said States.

SEC. 2. And be it further enacted, That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the net proceeds, which net proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's offices; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States, of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union and the District of Columbia, and the Territories of Wiskonsin, Iowa, and Florida, according to their respective federal representative population as ascertained by the last census, to be applied by the Legislatures of the said States to such purposes as the said Legislatures may direct: Provided, That the distributive share to which the District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as Congress may direct: And provided, also, That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the States within which they lie, or to make such future disposition of the public lands, or any part thereof, as Congress may deem expedient.

SEC. 3. And be it further enacted, That the several sums of money received in the Treasury as the net proceeds of the sales of the public lands shall be paid at the Treasury half yearly on the first day of January and July in each year, during the operation of this act, to such person or per-

3

sons as the respective Legislatures of the said States and Territories, or the Governors thereof, in case the Legislatures shall have made no such ap-

pointment, shall authorize and direct to receive the same.

SEC. 4. And be it further enacted, That any sum of money, which at any time may become due, and payable to any State of the Union, or to the District of Columbia, by virtue of this act, as the portion of the said State or District, of the proceeds of the sales of the public lands, shall be first applied to the payment of any debt, due, and payable from the said State or District, to the United States: Provided, That this shall not be construed to extend to the sums deposited with the States under the act of Congress of twenty-third June, eighteen hundred and thirty-six, entitled "an act to regulate the deposites of the public money," nor to any sums apparently due to the United States as balances of debts growing out of the transactions of the Revolutionary war.

SEC. 5. And be it further enacted, That this act shall continue and be in force until otherwise provided by law, unless the United States shall become involved in war with any foreign Power, in which event, from the commencement of hostilities, this act shall be suspended during the continuance of such war: Provided, nevertheless, That if, prior to the expiration of this act, any new State or States shall be admitted into the Union, there be assigned to such new State or States, the proportion of the proceeds accruing after their admission into the Union, to which such State or States may be entitled, upon the principles of this act, together with what such State or States may be entitled to by virtue of compacts to be made on their admission.

sion into the Union.

SEC. 6. And be it further enacted, That there shall be annually appropriated for completing the surveys of said lands, a sum not less than one hundred and fifty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased, unless Congress shall think proper to grant alternate sections along the line of any canal or other internal improvement, and at the same time to increase the minimum price of the sections reserved; and in case the same shall be increased by law, except as aforesaid, at any time during the operation of this act, then so much of this act as provides that the net proceeds of the sales of the public lands shall be distributed among the several States, shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, anything in this act to the contrary notwithstanding: Provided, That if, at any time during the existence of this act, there shall be an imposition of duties on imports inconsistent with the provisions of the act of March second, one thousand eight hundred and thirty-three, entitled, "an act to modify the act of the fourteenth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports," and beyond the rate of duty fixed by that act, to-wit: twenty per cent. on the value of such imports, or any of them, then the distribution provided in this act shall be suspended and shall so continue until this cause of its suspension shall be removed, and when removed, if not prevented by other provisions of this act, such distribution shall be resumed.

SEC. 7. And be it further enacted, That the Secretary of the Treasury may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may

not amount to one hundred thousand acres, when, in his opinion, such continuance may be required by public convenience, or in order to close the land system in such State at a convenient point, under the provisions of the act on that subject, approved twelfth June, one thousand eight hundred and

forty.

SEC. S. And be it further enacted, That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for purposes of internal improvement: Provided, That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres, the selection in all of the said States, to be made within their limits respectively, in such manner as the Legislature thereof shall direct; and located in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively, shall have surveyed according to existing laws. And there shall be and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a Territorial Government, for purposes of interternal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

SEC. 9. And be it further enacted, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively, namely: Roads, railways, bridges, canals and improvement of water-courses, and draining of swamps; and such roads, railways, canals, bridges and water-courses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

Sec. 10. And be it further enacted, That from and after the passage of this act, every person being the head of a family, or widow, or single man, over the age of twenty one years, and being a citizen of the United States, or having filed his declaration of intention to become a citizen, as required by the naturalization laws, who since the first day of June, A. D. eighteen hundred and forty, has made or shall hereafter make a settlement in person on the public lands to which the Indian title had been at the time of such settlement extinguished, and which has been, or shall have been, surveyed prior thereto, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby, authorized to enter with the register of the land office for the district in which such land may lie, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land, subject, however, to the following limitations and exceptions: No person shall be entitled to more than one pre-emptive right by virtue of this act;

no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the United States, and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption under this act; no lands included in any reservation, by any treaty, law, or proclamation of the President of the United States, or reserved for salines, or for other purposes; no land reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana, or which may be acquired of the Wyandot tribe of Indians in the State of Ohio, or other Indian reservation to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to other sections granted to any of the States for the construction of any canal, railroad, or other public improvement; no sections or fractions of sections included within the limits of any incorporated town; no portions of the public lands which have been selected as the cite for a city or town; no parcel or lot of land actually settled and occupied for the purposes of trade and not agriculture; and no lands on which are situated any known salines or mines, shall be liable to entry under and by virtue of the provisions of this act. And so much of the proviso of the act of twenty second of June, eighteen hundred and thirty eight or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing-rabbit creek, be, and the same is hereby, repealed: Provided, That such repeal shall not affect any title to any tract of land secured in virtue of said treaty.

Sec. 11. And be it further enacted, That when two or more persons shall have settled on the same quarter section of land, the right of pre-emption shall be in him or her who made the first settlement, provided such persons shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the Secretary of the Treasury of the

United States.

SEC. 12. And be it further enacted, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement thereby required, shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Secretary of the Treasury, who shall each be entitled to receive fifty cents from each applicant for his services, to be rendered as aforesaid; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

SEC. 13. And be it further enacted, That before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath before the receiver or register of the land district in which the land is situated, (who are hereby authorized to administer the same,) that he or she has never had the benefit of any right of pre-emption under this act; that he or she is not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she

has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the Government of the United States, should enure in whole or in part, to the benefit of any person except himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for said land, and all right and title to the same; and any grant or conveyance which he or she may have made, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

SEC. 14. And be it further enacted, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed by the proclamation of the President, nor shall the provisions of this act be available to any person or persons who shall fail to make the proof and payment, and file the affidavit required before the day appointed for the commencement of the sales as aforesaid.

SEC. 15. And be it further enacted, That whenever any person has settled or shall settle and improve a tract of land, subject at the time of settlement to private entry, and shall intend to purchase the same under the provisions of this act, such person shall in the first case, within three months after the passage of the same, and in the last within thirty days next after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon, and declaring the intention of such person to claim the same under the provisions of this act; and shall, where such settlement is already made, within twelve months after the passage of this act, and where it shall hereafter be made, within the same period after the date of such settlement, make the proof, affidavit, and payment herein required; and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof, and payment, within the twelve months aforesaid, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

SEC. 16. And be it further enacted, That the two per cent. of the net proceeds of the lands sold, or that may hereafter be sold, by the United States in the State of Mississippi, since the first day of December, eighteen hundred and seventeen, and by the act entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," and all acts supplemental thereto reserved for the making of a road or roads leading to said State, be, and the same is hereby relinquished to the State of Mississippi, payable in two equal instalments; the first to be paid on the first of May eighteen hundred and forty two, and the other on the first of May eighteen hundred and forty three, so far as the same may then have accrued, and quarterly, as the same may accrue, after said period: Provided, That the Legislature of said State shall first pass an act, declaring their acceptance of said relinquishment in full of said fund, accrued and accruing, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two

per cent. fund shall be faithfully applied to the construction of a railroad, leading from Brandon, in the State of Mississppi, to the eastern boundary of said State, in the direction, as near as may be of the towns of Selma,

Cahaba, and Montgomery in the State of Alabama.

SEC. 17. And be it further enacted, That the two per cent. of the net proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September eighteen hundred and nineteen, and reserved by the act entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal tooting with the original States" for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the State of Alabama payable in two equal instalments, the first to be paid on the first day of May, eighteen hundred and forty two, and the other on the first day of May, eighteen hundred and forty three, so far as the same may then have accrued, and quart-rly, as the same may thereafter accrue: Provided, That the Legislature of said State shall first pass an act declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the connection by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochie river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson in the State of Mississippi.

Approved, September 4th, 1841.

LEXINGTON AND OHIO RAILROAD COMPANY.

LEXINGTON, DECEMBER 12, 1841.

To his Excellency, Robert P. Letcher, Governor of Kentucky:

Sin:—Agreeably to your expressed desire to be informed as to the present condition of the Lexington and Ohio Railroad, and the property annexed thereto, I have the honor to enclose you the following statement and estimates, which, together with the report enclosed, gives the information which

vou desire.

There are two portions of road in operation, the first from Lexington to Frankfort, 28 miles, the second from Louisville to Portland, three miles. The Portland division has been under lease to W. M. Redd since the 1st of October, 1840. He took it one year at \$2,000, but afterwards surrendered this lease and took a new one for five years at \$1,200 per annum, commencing the 1st of October, 1841. Mr. Redd has lost money under the first lease, and will, unless the purchaser of the road confirms it, sink money under the second also. In fact this road never will be worked profitably again until certain improvements and extensions are made, which Mr.

Redd is unwilling to make under existing circumstances. Connected with this portion of road, are two pieces of property encumbered with debts, (purchase money) amounting to upwards of \$15,000; a part of this property is absolutely necessary to the working of the road, and the remainder much needed.

The portion of road from Lexington to Frankfort is worked at a small profit to the company, (about \$3,500 per annum;) had the navigation of the Kentucky river been finished last year, this profit would have been about \$7,000.

With rigid economy and good supervision, this road may produce next year, \$6,000, if the navigation continues unobstructed, throughout the season. In its present condition, I do not believe it will do more. During the 15 months I have managed it, there has been received for passengers \$14,179 95, and \$1,983 50 for freight, and there is yet due for freight (1st Nov. 1841.) \$306 38. The road transports about one half of the passengers between Lexington and Frankfort, and about one eighth part of the freight.

If the road was repaired in such a manner as to admit the use of locomotive engines, it would do all the business between the two points, and carry the United States mail. This business I have heretofore estimated as follows:—20,000 passengers at \$1 25—\$25,000, and 10,000 tons freight at \$2 60—26,000; United States mail \$2,000; rents of real estate \$500—total \$53,500; and the total expense of working the road was estimated at \$25,000. The cost of repairing the road by re-laying the present iron on a wooden superstructure was estimated to cost \$85,000, using \$10,000 of materials on hand for that purpose; of these materials part have been used in the ordinary repairs of the road, some sold, and the timber has deteriorated in the interval. So that I would now put that estimate at \$90,000, which will be sufficient to repair the road, in the manner stated, purchase two locomotive engines, and repair the cars, engines, &c. on hand.

I am satisfied that this estimate will do the work required, but it is very desirable that the road should be extended to the river, and the expense of drayage dispensed with. This extension will add little or nothing to the amount which the company, or its successor, can charge for transporting 100 lbs; but it will tend to increase the amount transported by giving the road a monopoly of the coal and salt and other articles of little value in proportion to weight. I have not the means of estimating in detail the cost of such extension, and as it is believed that the town of Frankfort has a claim on the Railroad Company for the value of a new market house, when such extension is made, it is probable the extension would cost \$15,000 at least.

The bridge over the Kentucky river can be completed for \$25,000, (here again the deterioration of timber alters estimates,) and will produce an income of \$3,000.

But if true economy is consulted in the repair of the road, it will be necessary to lay down a new iron rail, weighing at least 50 lbs. per linear yard. The present rail might last eight or ten years longer, but then would require renewal throughout; while a good edge rail of 50 lbs, on a road where engines not exceeding eight tons in weight are used, would last, with partial renewals, fifty or sixty years. The road would be more easily kept in repair, and of course at less expense, and the public assured of greater

safety in the transportion of persons and property. To repathis permanent manner, would cost as follows: One mile will require 1,760 cross-ties 8 × 6, and 7 feet long, a 30 cents, One mile will require 600 splicing plates (10 lbs) at 5 cts per lb One mile will require 4,500 lbs. spikes at 10 cents, One mile will require 78½ of tons iron rails at \$65,	it - \$528 00
One mile will require, repairing foundation, One mile will require, laying rails, One mile will require, filling track,	- 250 00 - 800 00 - 200 00
Total for one mile, And the cost of twenty seven miles will be, To which must be added cost of two locomotives, \$15,000, an the cost of repairing old locomotives, cars, water sta	- 7,530 50 - 203,323 50 d
tions, and two new passenger cars, say \$5,000, Also, cost of repairing embankments and masonry, Also, cost of re-laying plane with plate rail,	- 20,000 00 - 5,000 00 - 2,500 00
Total cost of re-laying the road with the edge rail, From which must be deducted the value of 20,000 cross-ties of locust, unfit for this species of repair, and to be sold as say 20 cents—\$4,000, and 590 tons of iron worth \$40-	ot t,
\$23,600	- 27,600 00
Total,	\$203,223 50

It is very demonstrable, and in accordance with experience, that the more costly repair, would in the end be the best investment of money. The difference in the annual cost of repairs of engines, cars and road, may be safely stated at \$2,000 in favor of the latter; while the difference in the annual charges for preservation and renewal would certainly amount to \$6,000;

which would give an interest of \$8,000 on \$118,223 50.

The total receipts of the road from all sources since the 1st of June, 1840, and until the first of December, 1841, is \$32,784 22, of which \$4,142 41 was for materials sold. The total expenditures in the same time was \$32-, 14S 22, of which \$9,500 50 was in payment of old debts. The road from Frankfort to Lexington transported in 1835, 20,000 passengers and over, in 1836, upwards of 30,000, in 1837, upwards of 24,000, since which time the passengers have fallen off to a number not exceeding 10,000 a year. There are some old notes and bills on sundry individuals amounting to some \$2,700, but little or nothing of it will be realized.

Very respectfully, your obedient servant,

WILLIAM R. McKEE.

To the Stockholders of the Lexington and Ohio Railroad Company.

Being advised that the Executive of the State would urge upon the Legislature the propriety of selling your road, under the State's mortgage, a majority of the Directors have deemed it proper to call you together, that you may confer on the steps which should be taken under the circumstances.

With this view, I deem it proper to give you all the information of which I am possessed, concerning your property.

In May last, the undersigned being chosen President of this Company, proceeded to Louisville to relieve his predecessor. From Mr. Tyler he received the books, papers and documents, of whatever description, pertaining to the road, and also a balance of \$5,092 59½, of which the sum of \$5,000 was, and still is, in the hands of the Board of Internal Improvement, being the balance of a loan of \$20,000 from that Board, and the remaining \$92 59½ was in cash.

Two divisions of the road, to-wit: The Lexington, and Portland, were in operation, the 1st under a lease from the Company to Messrs. P. Swigert & Co.; the 2d under the Company's own agents. On the 26th of June, Messrs. P. Swigert & Co. notified the Directors that they would, on the 1st of October, surrender their lease. Afterwards, by agreement, the 1st of September was fixed upon, and the surrender made accordingly.

The Portland division continued to be worked by the Company's agents until the middle of September, when finding that this road had been worked for the six weeks preceding at a loss, I advised with Messrs. Keats and Field, (who, together with myself, were appointed by the Board a Committee for the management of the Company's affairs at Louisville,) as to the propriety of suspending that division, or leasing it out. In fact it was ascertained that the division could no longer be worked with profit, without a reorganization of the motive power, and the establishment of an efficient agency. And as the Company neither had the means of purchasing new power, or could afford a suitable salary to a competent agent, it was resolved,—"That from and after the 14th of September, 1840, the use of the Portland division be discontinued, and that Wm. R. McKee, President, be, and he is hereby authorized, to lease out that portion of the road for the best price he can obtain, for a term not exceeding three years.

The undersigned accordingly leased out that division of the road to Minor W. Redd, of Louisville, reserving a monthly rent of \$166 66\frac{2}{3}\$, to be increased to a monthly rent of \$250, whenever the Company extends its road to the lower ferry landing at Portland. The lessee to commence paying rent from the 1st of October.

To assess the damages done to certain property, demised to P. Swigert & Co. Charles B. Lewis was by consent appointed referee. This gentleman after close inspection of the cars, decided that P. Swigert & Co. pay the Railroad Company the sum of \$2,911. Part of this has been paid, the balance will be paid when a final settlement can be had with those gentlemen.

With this fund, the horses, harness, and forage were purchased, and the Company resumed possession of the road from Lexington to Frankfort, on the 1st of September.

The Company have received from all sources, during the period commencing 1st June and ending 30th November, the sum of \$18,756 37. The expenditures during the same time have been \$18,142 45‡. This income and outlay may be classified as follows:

RECEIVED.

RECEIVED.		
From Portland division from 1st June to 14th Sept.	\$3,308	
From Portland division from Oct. and November,	333	33
From P. Swigert & Co. from 1st May to 31st Aug.	1,453	07
From P. Swigert & Co. for damages,	1,615	
From old accounts, sale of materials, &c.	3,553	
From Lexington division from 1st Sept. to 30th Nov.		
From Levi Tyler,	5,092	$59\frac{1}{2}$
		— 18,756 37
EXPENDED.		
Portland division,	\$2,532	35
Lexington division,	2,410	45
Old debts paid,	5,003	65
General expenses, including extraordinary repairs,		
purchase of horses, pay of President, &c.	3,196	001
In hands of Board of Internal Improvement,	5,000	
In names of Board of Intornal Improvement,	0,000	— 18,142 45 ‡
		2-,-10 104

Balance 1st December,

613 913

Comparing the receipts and expenditures of the Lexington division, we find a profit of \$987 43 in three months. One fruitful source of income has been cut off by the unfinished condition of the Kentucky river navigation. But it is idle to attribute our meager profits to this cause; the true cause lies deeper and must be obvious to every one. For admitting the revenue from freight to be as great as our most sanguine hopes could make it, it is very much doubted if we can make a profit on this division sufficient to pay the interest on the Company's debt, leaving nothing whatever for the preservation and renewal of road and machinery. The attention paid to economy will appear from the following statement. Two clerks receive 350 dollars each and are boarded; two drivers 240 dollars each and are boarded; five ostlers 240 dollars each, they boarding themselves, and others in proportion. All hired persons to make up lost time. These are the rates established by P. Swigert & Co. and certainly do not admit of reduction. The undersigned performs the duties of President, Treasurer, Agent, Superintendent and Engineer.

An unfortunate error in laying the track of this division, together with the worn out condition of the machinery, is the true cause of its failure to meet the hopes of its friends. The stone sills yielding to constant attrition, have lost that smoothness of surface which is the only peculiar advantage of an iron over a stone road; while the wheels are so worn that the flanges extend down to the ground, and as it were lift the wheels from the rail. This circumstance has been generally noticed, but attributed erroneously to the bad condition of the track. The consequence of all this is, a great increase of friction and breakage, and the loss of that speed and comfort which the traveller expects on a railroad. An idea of the increase of friction may be formed from the fact, that while on a well made railroad a car will by its weight descend a plane of 18 feet per mile, on our road it will not descend spontaneously a plane of 30 feet per mile. In other words, the friction is nearly doubled, and two horses are now necessary to do the duty which one

did when the track was first laid.

The breakage is about twelve wheels per month, which, considering the speed and distance travelled, is quadruple the breakage on a good road. It should be observed, however, that this breakage is in part attributable to the worn condition of the machinery. The loss on each wheel is about twenty dollars; or, rather, it should be said, it costs twenty dollars to replace the wheel.

With regard to passengers, we have here witnessed the extraordinary spectacle of a line of stages competing successfully with a railroad. No where else, in Europe or America, has a railroad been opened, that it did not at once and forever destroy all competition in carrying passengers.

Several expedients for repairing the road, by partially substituting wood for stone, have been tried, but found not to answer. We are, at present, to keep the road in passable order, compelled to lift the stone block and lay down a wooden stringer in lieu of it. These stringers are laid but for short distances in each place, by men who have not the requisite skill—the circumstances of the Company not admitting the employment of such as have. In consequence, we find the grade and alignment of the road interrupted wherever a stone has been lifted. The stone sills should not be lifted at all—the track should be relaid on top of them, thereby securing what is so desirable on all railroads, an unyielding foundation; and, by raising the level of the road 10 inches, improving the drainage of the road, now so imperfect.

To lay a new track over the present one, repair the large embankments, purchase two light locomotives adopted to curved roads, and renew a portion of the cars, will cost, with the materials on hand, about \$85,000, and any sum short of this I would not advise the Company to spend. In fact, any thing short of a thorough repair of this division, cannot be but a waste of money. Two locomotives will be adequate to the duty of this road for many years to come—one could run while the other would be in shop for repairs if needed. The locomotives belonging to the Company are too much worn to be relied on, and will need extensive repairs before they can be used, and besides that, they are of an antiquated model, and not suited for crooked roads. There is no machinist in the west competent to repair them.

It is safe to estimate the business of this division at 20,000 passengers and 10,000 tons of freight, which at the prices charged will produce a revenue of \$51,000; and allowing \$25,000 for all expenses, there will remain an annual profit of \$26,000.

The Portland division cannot be relied on for more than \$3,000, and it will be necessary to expend \$1,000 at least to make it yield that amount.

I do not believe that this sum of \$85,000 can be raised in any other way than from the Stockholders themselves. The failure to pay the interest on the loan of \$150,000 has been fatal to the credit of the Company. It will be idle to ask aid of the State now, when she repeatedly refused her credit under more favorable circumstances.

The property of the corporation consists of a right of way, which, with the exception of four or five tracts, is secured throughout from Lexington to Portland; 28 miles of road from Lexington to Frankfort, in operation; 3 miles from 6th street, Louisville, to Portland, also in operation; 27 miles of road in part graded, between Louisville and Frankfort; the abutments and wing walls of a bridge over Kentucky river, in part made, with a large

quantity of timber, iron and stone material, delivered for the same; a quantity of stone and timber for the track, between Louisville and Frankfort: an unimproved lot in Portland on the river bank; 8 lots at Main and 13th streets, Louisville, with the improvements thereon, consisting of an engine house, stable and car house; the depot at the corner of Main and Sixth streets; a small tract of land of one or two acres, about four miles from Louisville; a lot on the river bank at Frankfort; several lots at the foot of the plane at Frankfort, with the office, warehouse and stable thereon; a tract of 3 or 4 acres at the head of the plane. with the engine, car, wood, stable and grocery houses thereon; the farm of 90 acres, stable, dwelling and its appurtenances, at the Ducker farm; the lots, stable, wood and dwelling houses at Midway; a stable at Yarnall's; the machine shop and its appurtenances, a six acre unimproved lot, the car. engine, and ware houses in this city, besides several small parcels of land on the line of the road, of but little value. The machinery, consisting of 2 locomotive engines, 4 eight-wheeled passenger cars, 10 four-wheeled do. 2 stock cars, 3 baggage cars, 37 burthen cars, 8 wood cars, 3 repair cars, 4 slides or safety cars for the plane; also a number of tools, wheels and axles, and materials in the machine shop and engine houses, which, together with the fixed engine in the machine shop, are worth eleven or twelve thousand dollars; also 45 horses and 36 sets harness.

The timber and stone between Louisville and Frankfort cost \$30,400, some of this has been lost by depredation, and a large amount sold, generally to creditors of the Company, at a price far below first cost, but considable above its actual value. There are on hand on this part of the road, about 30,000 feet of timber, much decayed, of such quality and shape, and in such situations as to be almost worthless for any purpose except the rail road track. The timber on the Lexington division cost about \$14,000. The locust ties of this lot having been exposed for the three last years, are sun cracked, and being generally too small, are not valuable; the best might be worked into the track, and the remainder sold for posts. The stringers of oak and cedar are worth very little, the piles having been culled for

repairs, and by individuals on the road.

The bridge timbers and irons for the same, cost \$10,000. This valuable lot of timber has been exposed to the weather since 1837, and is seriously damaged. It has also suffered from depredation, and one boat load was carried off by the freshet last spring. The span of the bridge having been reduced 150 feet, there is yet timber enough to finish it. This timber is piled at Carrolton, at a point 8 miles up the Kentucky river, and at Frankfort. That at Frankfort, I have caused to be piled and covered. Nothing but the absolute destitution of means prevented me from preserving in like manner, all the perishable material of the road. The bridge irons are in store at Frankfort, in good order. There has been expended on the bridge \$48,249 68, as follows: \$10,100 for timber and iron. Other work, principally masonry. \$35,149 68. Due Stoughton for boating timber and for masonry, say \$3,000. About \$20,000 will finish this Bridge, and it is supposed it will yield a revenue of 3,000 dollars when finished.

The total cost of all this property, including law expenses, surveys, engineering, and all other expenses, except those incident to the use of the road, was about \$950,000, and were it unencumbered, it would now be worth (it is believed) \$600,000. This loss of \$350,000 of the Company's capital,

is attributable to a number of causes, of which the following are the principal, (as I believe:) Ist. A defective construction of the track from Lexington to Frankfort, which costing more than a track of wood, requires removal in less time, and increases the friction and breakage. 2d. The dissipation of the work over a large surface, during '36 and '37, instead of concentrating at Louisville or Frankfort, and finishing 20 miles of the road. 3d. The high prices paid for labor and materials, and the adoption of a wooden viaduct in lieu of an earthen embankment and culvert over Beargrass, during the same period. 4th. The high prices paid for property at Portland and Louisville, or rather the fall in property at those places since the purchase. 5th. The loss on perishable materials purchased in '36 and '37. 6th. The general deterioration of road and machinery which has not been repaid by a corresponding profit from the road. 7th. The increased expenses resulting from a change of the plan of the Kentucky river bridge: And 8th. The peculations of A. O. Newton, late Treasurer, amounting to \$13,251.

The debts and liabilities of the Company, as far as I can ascertain and estimate them, are \$245,000, and in the order of precedence of lien, they

stand as follows:

stand as follows:	
Arnold, principal and interest, with lien on lot at Portland,	\$11,000
Wm. Mackey, principal and interest, with lien on depot at Lou-	
isville,	6,600
De Wolf's heirs, principal and interest, with lien on lots on Main	
and 3d streets,	8,600
Three bonds, two for 10,000 dollars each, and one for 20,000	
dollars, guarantied by City of Louisville, and deposited by Mr.	
Tyler with the Bank of Kentucky, the Northern Bank of Ken-	
tucky, and the Board of Internal Improvement as security, for	
a loan, for six years, of \$40,000, on which the sum of 35,-	
000 dollars was received, and \$1,250 has been repaid, say	33,850
Bonds guarantied by the State of Kentucky,	150,000
Interest and exchange paid by the State on same,	18,600
Mechanics liens on depot at Louisville, (takes precedence after	
Wm. Mackey's lien) say	500
	100
— Goodloe, damages,	500
Peter Dudley, principal and interest,	1,000
— Burden, principal and interest,	1,100
Bridgford & Ricketts, principal and interest,	1,100
L. B. Stoughton, (contractor,) say	3,000
Claims of contractors, land damages unpaid, and a number of	,,,,,,
	0.050
small accounts unpaid, say,	9,050

I have to say, in conclusion, that I have not been able to devise any plan by which the Company could be extricated from its present embarrassments.

All which is respectfully submitted.

WM. R. McKEE, President, Lexington and Ohio Railroad Company.

Lexington, Kentucky, December 17, 1840.

Ordered, That the Public Printer print 3000 copies of the said message, and 150 copies of the accompanying documents, for the use of the Senate.

Messrs. Bailey, Hardin and Alexander were appointed a committee on Enrollments.

On the motion of Mr. Young,

Ordered, That the Public Printer print 150 copies of the rules of the Senate for the use of the Senate.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky; which bill was enrolled.

Mr. Bailey, from the committee on Enrollments, reported that the committee had examined the said bill, and found the same truly enrolled.

The said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

And then the Senate adjourned.

SATURDAY, JANUARY 1, 1842.

Mr. William Sterett, a member of the Senate from the twelfth Senatorial District, appeared and took his seat.

1. Mr. Young presented the petition of Bazil G. Smith, praying for the passage of a law to relieve him from the penalty of a bond executed to the Commonwealth for the return of certain public arms.

2. Mr. M. Williams presented the petition of Jackson Howerton, praying for a divorce from his wife, Nancy Howerton.

Which were received and referred; the first to the committee on Military Affairs, and the second to the committee on Religion.

The Speaker laid before the Senate the annual report of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, which is as follows, viz:

At a meeting of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, at their office in the city of Louisville on the 8th of December, 1841, the President of the Company submitted to

the Board a statement of the condition, progress and affairs of the Company, which, after being read, examined and approved by the Board, was adopted; and the President is directed to furnish a copy of the same to the General Assembly of this State, agreeably to the requisition of the 22d section of the charter of this Company.

Office of the Ky. and Louisville Mutual Insurance Co. Louisville, December 9, 1841.

SIR:

In accordance with the 22d section of the charter of this Company, and the order of the Board of Directors, I herewith enclose to you a statement of the condition and progress of its business from its commencement up to, and including the 4th instant, and request that you will lay the same before the Senate.

I have the honor to be, Very respectfully, &c. J. W. ANDERSON, President.

Manlius V. Thomson, Speaker of the Senate.

Report of the condition, progress and affairs of the Kentucky and Louisville Mutual Insurance Company, up to the 4th of December, 1841, inclusive, viz:

Amount insured, 223 policies, -	-	-	-	\$778,875 00
Amount premium notes,		\$40,568	203	
Deduct amount of premium notes disci by transfer of property and otherwi	narged se,	2,305	00	
		38,263	203	
Amount received on premium notes,		7,239		
Amount received for 223 policies, Amount due John I. Jacob,	-		50	
Amount due J. W. Anderson, -		147	50	\$7,647 13
Paid this amount, expense account,		\$4,483		
Do do for losses,		2,791		
Cash, balance,		372	72‡	\$7,647 13

BALANCES.

		DEBIT.					
To bills receivable,		-	-	-		\$31,043	823
To cash, -	-	-	-			372	721
To expense account,	-					4,483	173
To profit and loss account,	•	-	-	-	-	2,791	23
						\$38,690	953
		CREDIT.					
By premium account,	2	-	-	-		\$38,263	203
By extra premium account	t,	-	Land Street		-	19	75
By policy account,		-	-		1	223	00
By J. I. Jacob,			-	- 1	-	37	50
By J. W. Anderson,		•		-	-	147	50
						\$38,690	953

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hanson—1. A bill concerning the Register of the Land Office.

On the motion of Mr. Pirtle—2. A bill concerning the action of replevin. And the committee on the Judiciary was directed to prepare and bring in the same.

Messrs. Huston, C. J. Walker, S. L. Williams, Garth and B. B. Johnson were appointed a committee on Privileges and Elections.

The preamble and resolution, moved by Mr. James on yesterday, in relation to the election of a Senator in the second Senatorial District, was taken up, the blank therein filled, and the same was referred to the committee on Privileges and Elections.

The Speaker laid before the Senate a letter from Willian Gordon, in relation to the election of Senator from the second Senatorial District, which was referred to the committee on Privileges and Elections.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Joseph N. Potts to be Sheriff of Daviess, in the place of William B. Baird, deceased.

Joseph F. Wilson to be Sheriff of Hickman county, in the place of Davic D. Noel, deceased.

R. P. LETCHER.

January 1, 1842.

Resolved, That the Senate advise and consent to the said appointments.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed an enrolled bill which originated in the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky,

And then the Senate adjourned.

MONDAY, JANUARY 3, 1842.

Mr. Jesse Craddock, a member of the Senate from the 14th Senatorial District; Mr. J. S. Morgan, a member of the Senate from the 27th District; Mr. William Clark, a member of the Senate from the 32d District; Mr. Daniel Morgan, a member of the Senate from the 35th District; and Mr. Thomas Y. Payne, a member of the Senate from the 36th Senatorial District, appeared and took their seats.

The following standing committees were appointed, to wit:

On the Judiciary—Messrs. Hanson, Pirtle, Payne, Hardin and Craddock. On Propositions and Grievances—Messrs. Rice, J. V. Walker, Sterett, Griffith and Palmer.

On Religion-Messrs. Rodes, Craddock, Young, McAfee and M. Williams.

On Internal Improvements—Messrs. Clark, J. S. Morgan, Wallace, Dyer and Loving.

On Finance—Messrs. G. W. Johnston, Pratt, James, Sterett and Sympson.

On Education-Messrs. McAfee, Burnett, Hughes, C. J. Walker and Bennett.

On the Penitentiary—Messrs. D. Morgan, Griffith, Bailey, Sympson and Garth.

On Military Affairs—Messrs. 'Jesup, Pratt, S. L. Williams, D. Morgan and Wallace.

On the Sinking Fund-Messrs. Dyer, Palmer and Rodes.

On Executive Affairs-Messrs. Moore, Burnett and Alexander.

On the Public Buildings—Messrs. James, Young, B. B. Johnson, Bailey and Bennett.

On Agriculture—Messrs. Slaughter, John S. Morgan, J. V. Walker, Jesup and Wallace.

On Federal Relations-Messrs. Pirtle, Loving, McAfee, Payne and Hughes.

JOINT COMMITTEES.

On Banks-Messrs. Payne and Pirtle.

On the Library—Messrs. Burnett, Slaughter and Moore. On the Public Offices—Messrs. J. S. Morgan and Huston.

1. Mr. Jesup presented the petition of Louisa I. Reece, praying for a divorce from her husband, Henry J. Reece.

2. Mr. Payne presented the petition of the City Council of Maysville, praying for the passage of a law amending the charter of said city.

3. Also, the petition of Mary Hall, praying for the passage of a law au-

thorizing her to sell certain town lots in the city of Maysville.

4. Also, the petition of William M. Poyntz, administrator of Moses Poyntz, deceased, praying for the passage of a law releasing the estate of the said decedent from the penalty of a bond executed to the Commonwealth for certain public arms.

5. Also, the petition of the City Council of the city of Maysville, praying for the passage of a law authorizing them to retain and use certain public

arms, upon giving bond for their safe keeping.

6. Mr. Hanson presented the petition of William Baxter, praying for the passage of a law divorcing him from his wife, America Ann.

7. Mr. S. L. Williams presented the petition of William Bradley, pray-

ing for a divorce from his wife, Linney Bradley.

8. Mr. M. Williams presented the petition of Thornton Williams, pray-

ing for the passage of a law compensating him for keeping an idiot.

9. Mr. J. S. Morgan presented the petition of the members of the bar of the Nicholas Circuit Court, and other citizens, praying for the passage of a law to extend the terms of said court.

10. Also, the petition of sundry citizens of the county of Nicholas, pray-

ing for the passage of a law allowing them an additional Constable.

11. Also, the petition of William Wiggins, praying for the passage of a law for the benefit of his four idiot children.

12. Also, the memorial of sundry citizens of Nicholas county, praying

for a revision of the present license laws.

13. Mr. Bennett presented the petition of Thomas G. Tupman, praying for the passage of a law to release him from the penalty of a bond executed to the Commonwealth for certain public arms.

14. Mr. Sterett presented the petition of sundry citizens of Hancock county, praying for the passage of a law changing the place of voting in

the Panther Creek Precinct in said county.

15. Mr. J. V. Walker presented the petition of Edmund O. Hawkins, praying for the passage of a law releasing him from the penalty of a bond executed to the Commonwealth for certain public arms.

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Which were received and referred: the 1st, 6th, 7th and 12th to the committee on Religion; the 2d, 3d and 9th to the committee on the Judiciary; the 4th, 5th, 13th and 15th to the committee on Military Affairs; the 8th and 11th to the committee on Finance, and the 10th and 14th to the committee on Propositions and Grievances.

On the motion of Mr. Rodes,

Resolved, That so much of the Governor's message as relates to Banks and currency, be referred to the committee on Banks; that so much as relates to the States' proportion of the proceeds of the sales of the public lands, be referred to the committee of Finance; that so much as relates to the Lexington and Ohio Railroad, be referred to the committee on Internal Improvement; that so much as relates to the amendment of the law regulating the election of State Senators, be referred to the committee of Privileges and Elections; that so much as relates to the fraud committed by the Schuylkill Bank of Philadelphia on the Bank of Kentucky, be referred to the committee on the Judiciary; that so much as relates to the Penitentiary, be referred to the committee on the Penitentiary; and that so much as relates to the public works, be referred to the committee on Internal Improvement.

Mr. Hughes read and laid on the table the following preamble and resolutions, to wit:

Whereas, the question of the repudiation of State debts has recently been entertained, to some extent, in different sections of the Union, and has become a subject of discussion in the public journals: And, whereas, by reason thereof, the credit of States, even those in which the idea of the repudiation of debts is, itself, discountenanced and repudiated, may suffer unjustly in the estimation of the citizens of foreign nations with which this country holds relations of amity and extensive commercial intercourse, whose continued confidence it should be our pride, as it is our interest, as a free and independent State to maintain—therefore,

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That it is the high and sacred duty of a sovereign State to observe the obligations of good faith in all its engagements, not only with her own citizens,

but equally and alike with those of other States and countries.

2. Resolved, That the desperate expedient of throwing off State obligations in any case, by failing to provide, as far as possible, for the prompt payment of public debts and liabilities contracted under the authority of law, is abhorent both to the Government and the people of this Commonwealth, and can never, directly or indirectly, receive the sanction of either.

3. Resolved, That copies of the foregoing preamble and resolutions be transmitted by the Governor to the President of the United States, the Executives of the several States, and our Senators and Representatives in Con-

gress.

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Ordered, That the Public Printer print 150 copies of the said preamble and resolutions for the use of the General Assembly.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. McAfee-1. A bill to amend the several acts es-

tablishing common schools in this commonwealth.

On the motion of Mr. J. S. Morgan—2. A bill to repeal or modify the 5th, 6th, 7th and 8th sections of an act, entitled, an act providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

3. A bill for the benefit of Capt. William McCleland.

A WAR THE WAR WAR TO A LABOR TO SEE

The committee on Education was directed to prepare and bring in the 1st; the committee on Finance the 2d, and the committee on Military Affairs the 3d.

And then the Senate adjourned.

TUESDAY, JANUARY 4, 1842.

A message was received from the House of Representatives, announcing that they had adopted a preamble and resolutions in relation to American citizens captured by Mexicans, which were read and referred to the committee on Federal Relations.

The Speaker laid before the Senate the annual report of the Treasurer, which is as follows, to wit:

STATE OF KENTUCKY, Treasury Office, January 4, 1842.

SIR :

You will please lay before the Senate the accompanying report from this department.

Very respectfully, your obedient servant,

JAMES DAVIDSON, Treasurer.

Hon. Manlius V. Thomson, Lieutenant Governor and Speaker of the Senate.

[For the report—see Legislative Documents.]

Ordered, That the said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the annual report of the Second Auditor of Public Accounts, which is as follows, to wit:

REVENUE DEPARTMENT,

Auditor's Office, Ky., Frankfort, January 3, 1842.

DEAR SiR:

I enclose the annual report from this department.

Very respectfully, your ob't ser'vt, THOS. S. PAGE, Second Auditor.

Hon. Manlius V. Thomson, Lieutenant Governor.

[For the report—see Legislative Documents.]

Ordered, That the said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. James presented the petition of Beverly Megary, praying for the passage of a law authorizing the Register of the Land Office to issue to him a patent for a certain quarter section of land.

2. Mr. Pirtle presented the petition of Antonin Furey Picquet, Attorney of John Peter Dumas of Paris, administrator or curator of the succession of James Swan, praying for the remission of all taxes due, and penalties incurred, on the land owned by the said Swan in the State of Kentucky.

3. Mr. Payne presented the petition of Catharine Pepper, praying for a divorce from her husband.

4. Mr. Loving presented the petition of the Trustees of the Methodist Episcopal Church at Bowlinggreen, praying for the passage of a law confirming the title of Juliet Henry in a lot of ground deeded to her by said Trustees.

5. Also, the petition of Mary Hopper, praying for a divorce from her husband.

6. Also, the petition of William M. Griggs and Eleanor Griggs, his wife, praying to be divorced from each other.

7. Mr. McAfee presented the petition of John E. Long, praying for a divorce from his wife.

8. Mr. G. W. Johnston presented the petition of George M. Lambert, praying for a divorce from his wife.

9. Also, the petition of Thomas G. Dunlap, praying for the passage of a law authorizing him to sell certain slaves.

Which were received and referred: the 1st, 4th and 9th to the committee on the Judiciary; the 2d to the committee on Finance, and the 3d, 5th, 6th, 7th and 8th to the committee on Religion.

Mr. Hanson, from the committee on the Judiciary, reported the following bills, to wit:

1. A bill concerning the action of replevin.

2. A bill concerning the Register of the Land Office.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was re-committed to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly; and the 2d bill was placed in the orders of the day.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hanson—I. A bill to amend the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20th, 1839.

On the motion of Mr. Hardin—2. A bill to amend the fifth section of an act to reduce into one the several attachment laws, approved February the 20th, 1839.

Also-3. A bill for the benefit of Sylvania Floyd.

On the motion of Mr. Pirtle-4. A bill concerning bills of exchange.

On the motion of Mr. Palmer—5. A bill to change the time of holding the Circuit Courts in the county of Marion.

On the motion of Mr. Loving—6. A bill the better to regulate the recording of commissioner's deeds.

On the motion of Mr. Alexander—7. A bill for the benefit of the Surveyor of Cumberland county.

The committee on the Judiciary was directed to prepare and bring in the said bills.

On the motion of Mr. Rodes,

WHEREAS, much greater facilities has been afforded, of late years, for the dissolution of the marriage contracts of the country through legislative interposition, than in the early periods of our history: And, whereas, the facilities thus afforded have greatly increased the number of applications to the Legislature, annually, for divorces, to the almost entire withdrawing of that class of actions from the courts of justice, to which tribunals they appropriately belong: And, whereas, it is believed that the legislative facilities thus afforded, have tended greatly to weaken matrimonial ties, by making marriage, in many instances, a matter of experiment, which, if it works well, is designed to be adhered to, but if the experiment works badly, the parties, one or both, expect to be relieved by legislative interference: And, whereas, an infinite and beneficient Creator has instituted marriage as a means of confering the greatest blessings on mankind, by preserving all the streams of the social relations pure, it should, therefore, receive all the support that law, morality and religion can give it, and the violation of its rights and obligations should be discouraged by all the weight and influence of the Legislature-therefore,

Resolved, That the committee on Religion be, and they are hereby instructed to repot against each and every petition for a divorce, provided the cause or causes set forth in such petition, either jointly or seperately, if proved, would furnish sufficient ground for obtaining redress either at law

or in equity.

Resolved, That the committee on Religion be instructed to report a bill to amend the law concerning divorces.

The preamble and resolutions concerning the repudiation of the State debts, read and laid on the table by Mr. Hughes on yesterday, were taken up and referred to the committee on Federal Relations.

A message, in writing, was received from the Governor, by Mr. Harlan,

Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Executive Office, January 3, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, the following named persons to be militia officers for the offices attached to their names, they having been commissioned since the adjournment of the last Legislature, until the end of the present session of the General Assembly, to wit:

Charles D. Pope to be Colonel of the 1st Regiment, in place of James

Harrison, refused.

George L. Robards to be Lieutenant Colonel of the 1st Regiment, in place of Charles D. Pope, if promoted.

George W. Small to be Major of the 1st Regiment, in place of G. L.

Robards, if promoted.

Peter Able to be Colonel of the 2d Regiment, in place of J. M. Wright, resigned.

William Read to be Lieutenant Colonel of the 2d Regiment, in place of

Peter Able, if promoted.

Jacob B. Haydon to be Colonel of the 3d Regiment, in place of J. Miller, resigned.

John Bush to be Lieutenant Colonel of the 3d Regiment, in place of J.

Miller, resigned.

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John Horn to be Major of the 3d Regiment, in place of Jacob B. Haydon, if promoted.

Alexander H. Handley to be Lieutenant Colonel of the 4th Regiment, in

place of James Brown, dismissed.

Allen J. Smithey to be Major of the 4th Regiment, in place of Alexander H. Handley, if promoted.

John L. Bailey to be Lieutenant Colonel of the 6th Regiment, in place of

S. M. Slaughter, promoted.

Charles H. Carter to be Major of the 6th Regiment, in place of John L. Bailey, if promoted.

William E. McCann to be Major of the 8th Regiment, in place of B. Taul,

resigned.

Samuel C. Scott to be Colonel of the 11th Regiment, in place of B. Wickersham, resigned.

David Scarce to be Lieutenant Colonel of the 11th Regiment, in place

Samuel C. Scott, if promoted.

Sandridge Arnett, to be Major of the 11th Regiment, in place of David Scarce, if promoted.

William P. Duvall to be Colonel of the 12th Regiment, in place of T. R.

Stockton, removed. James R. Barbee to be Lieutenant Colonel of the 12th Regiment, in place

of William P. Duvall, if promoted.

E. B. Duvall to be Major of the 12th Regiment, in place of L. M. Loyd, resigned.

James W. Rice to be Colonel of the 14th Regiment, in place of William

M. Samuel, promoted.

Samuel Muir to be Lieutenant Colonel of the 14th Regiment, in place of

James W. Rice, if promoted.

Kenzia Stone, Jr. to be Major of the 14th Regiment, in place of Samuel Muir, if promoted.

Abraham Bledsoe to be Lieutenant Colonel of the 15th Regiment, in place

of W. S. Pickett, removed.

Lucius B. Goggin to be Major of the 15th Regiment, in place of Abraham Bledsoe, if promoted.

Armstead Blackwell to be Major of the 17th Regiment, in place of W.

Oldridge, refused.

L. A. Harper to be Lieutenant Colonel of the 23d Regiment, in place of

J. Campbell, removed. Amos Hall to be Major of the 23d Regiment, in place of L. A. Harper,

if promoted. William McDonald to be Colonel of the 26th Regiment, in place of W.

G. Brank, resigned.

James Patterson, to be Lieutenant Colonel of the 26th Regiment, in place of William McDonald, if promoted.

David Kennedy to be Major of the 26th Regiment, in place of James Pat-

terson, if promoted. Thomas S. Speed to be Colonel of the 27th Regiment.

Joshua Brookhart to be Lieutenant Colonel of the 27th Regiment, in place

of Thomas S. Speed, resigned. Michael Whelan to be Major of the 27th Regiment.

Noland Tracey to be Lieutent Colonel of the 31st Regiment, in place of

William Botts, removed. Jackson Taul to be Major of the 31st Regiment, in place of Noland Tracey,

Charles G. Dudlass to be Major of the 32d Regiment, in place of Thomas if promoted.

W. Mayfield, resigned. James Runnion to be Lieutenant Colonel of the 35th Regiment, in place

of Robert Boggs, removed.

Thomas Miller to be Major of the 35th Regiment, in place of James

Runnion, if promoted. Thomas Hart to be Lieutenant Colonel of the 36th Regiment, in place of

C. Fry, deceased. James R. Wornall to be Major of the 36th Regiment, in place of Thomas

Hart, if promoted. Richard D. Waters to be Colonel of the 37th Regiment, in place of Wash-

ington Gowen, resigned. Fleming H. Garnett to be Lieutenant Colonel of the 37th Regiment, in place of R. D. Waters, if promoted.

John R. Baker to be Major of the 37th Regiment, in place of Fleming H. Garnett, if promoted.

Richard Goode to be Colonel of the 38th Regiment, in place of T. B.

Hancock, promoted.

Squire B. Irvin to be Lieutenant Colonel of the 38th Regiment, in place of R. Goode, if promoted.

James Hisell to be Major of the 38th Regiment, in place of Squire B.

Irvin, if promoted.

Samuel F. Vaught to be Colonel of the 40th Regiment, in place of M. O. Wells, resigned.

Israel I. Baker to be Lieutenant Colonel of the 40th Regiment, in place

of Samuel F. Vaught, if promoted.

Jefferson M. D. Martin to be Major of the 40th Regiment, in place of P. Johnson, refused.

William H. Cunningham to be Colonel of the 41st Regiment, in place of

C. H. Hopkins, resigned.

William P. Grayson to be Lieutenant Colonel of the 41st Regiment, in place of F. Cunningham, resigned.

Samuel Baldwin to be Major of the 41st Regiment, in place of William

H. Cunningham, if promoted.

G. L. Postlethwait to be Major of the 42d Regiment, in place of J. W. Forbes, removed.

John Norris to be Colonel of the 46th Regiment, in placeof R. Elliott,

resigned.

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John Carter to be Lieutenant Colonel of the 46th Regiment, in place of John Norris, if promoted.

N. C. Robertson to be Major of the 46th Regiment, in place of John

Carter, if promoted.

John Patton to be Colonel of the 49th Regiment, in place of J. H. Mc-Henry, resigned.

Ashford Woodward to be Lieutenant Colonel of the 49th Regiment, in

place of John Patton, if promoted.

John Ryan to be Colonel of the 53d Regiment, in place of James Jones, resigned.

William H. Bates to be Lieutenant Colonel of the 53d Regiment, in place

of John Ryan, if promoted.

John H. Williams to be Major of the 53d Regiment, in place of William H. Bates, if promoted.

William Johnston to be Major of the 55th Regiment, in place of William

Acre, refused.

S. G. Tillett to be Colonel of the 57th Regiment, in place of William Myers, resigned.

William Steen to be Lieutenant Colonel of the 57th Regiment, in place

of S. G. Tillett, if promoted.

James H. Yantis to be Major of the 57th Regiment, in place of William Steen, if promoted.

James M. Braine to be Lieutenant Colonel of the 58th Regiment.

James Y. Thomas to be Lieutenant Colonel of the 61st Regiment, in place of George Allen, resigned.

Charles W. Jenkins to be Major of the 61st Regiment, in place of J. W. Harrison, resigned.

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Heny Cox to be Lieutenant Colonel of the 71st Regiment, in place of William P. Brown, resigned.

Aaron D. Endicott to be Major of the 71st Regiment, in place of Henry Cox, if promoted.

Samuel B. Lennox to be Lieutenant Colonel of the 86th Regiment, in place of S. T. Hamilton, resigned.

George W. Berry to be Major of the 86th Regiment, in place of Samuel B. Lennox, if promoted.

Joseph B. Turner to be Colonel of the S8th Regiment, in place of R. Criswell, promoted.

Benjamin Perry, to be Lieutenant Colonel of the 88th Regiment, in place of Joseph B. Turner, if promoted.

William Edwards to be Major of the 88th Regiment, in place of J. Mallon, resigned.

William Henry Johnston to be Lieutenant Colonel of the 93d Regiment, in place of R. Walkup, resigned,

Joseph O. Nelson to be Major of the 93d Regiment, in place of William Henry Johnston, if promoted.

Benedict B. Crump to be Colonel of the 94th Regiment, in place of Whitfield J. Nevill, removed.

Aller Self to be Lieutenant Colonel of the 94th Regiment, in place of

Whitfield J. Nevill, promoted.

Henry Eubank to be Major of the 94th Regiment, in place of James Feland, refused.

Jonathan Richardson to be Major of the 99th Regiment, in place of James W. Lively, promoted.

Henry A. W. Samuel to be Lieutenant Colonel of the 100th Regiment, in place of P. Yancy, over age.

A.M. Kightley to be Major of the 100th Regiment, in place of Henry

A. W. Samuel, if promoted.

A. S. Brown to be Lieutenant Colonel of the 111th Regiment, in place

of Elbert Davis, refused.

Edmund Stokes to be Colonel of the 112th Regiment, in place of Lewis

Gray, resigned.

John M. Brown to be Lieutenant Colonel of the 112th Regiment, in place

of Edmund Stokes, if promoted. F. G. Eaker to be Major of the 112th Regiment, in place of James Cargill, refused.

C. N. Carder to be Colonel of the 116th Regiment, in place of B. F. Russell, resigned.

Jordan Smith to be Lieutenant Colonel of the 118th Regiment, in place of Robert Buckler, refused.

Lorenzo D. Clark to be Major of the 118th Regiment, in place of John Staten, deceased.

Radford M. Cobb to be Major of the 121st Regiment, in place of Phillip Engle, resigned.

William H. Randall to be Colonel of the 122d Regiment, in place of Patrick H. Pope, refused.

William McCauley to be Lieutenant Colonel of the 122d Regiment, in place of Alexander P. Churchill, refused.

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Gabriel Tarnsley to be Major of the 122d Regiment, in place of Richard Lytle, refused.

William E. Bishop to be Major of the 125th Regiment, in place of A. Shuck, resigned.

Claudius Duvall to be Major of the 132d Regiment, in place of T. J. Welby, refused.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments, except that of James M. Braine to be Lieutenant Colonel of the 58th Regiment—which was referred to the committee on Military Affairs.

And then the Senate adjourned.

WEDNESDAY, JANUARY 5, 1842.

Mr. G. Clayton Slaughter, a member of the Senate from the 18th Senatorial District, and Mr. C. J. Walker, a member of the Senate from the 23d Senatorial District, appeared and took their seats.

I. Mr. Pirtle presented the petition of Elizabeth Adman, praying for a divorce from her husband.

2. Mr. Clarke presented the petition of Susannah Watts, praying for a divorce from her husband.

3. Also, the petition of William J. Ballard and William A. Morton, praying for the passage of a law to pay them for their medical services, rendered to James Brown, a prisoner convicted of larceny.

4. Also, the petition of Charles P. Howard, praying for the passage of a law to pay him for the lodging, boarding, &c. of James Brown, a prisoner convicted of larceny.

5. Also, the petition of Thomas Payne, praying for the passage of a law to pay him for furnishing a coffin, and burying James Brown, a prisoner, convicted of larceny.

6. Also, the petition of James Thomas, Eliza Thomas and Jaily Watson, praying for the passage of a law authorizing them to sell a slave and appropriate the proceeds in the purchase of land.

7. Mr. J. S. Morgan presented a letter of the Quarter Master General to Captain McClelland, relative to certain public arms.

8. Mr. Bailey presented the petition of Reuben Hazlewood, praying for a divorce from his wife.

9. Mr. C. J. Walker, presented the petition of Humphrey Jones, praying

for the passage of a law relieving him from the penalty of a bond executed to the Commonwealth for certain public arms.

Which were received and referred: the 1st, 2d, and 8th to the committee on Religion; the 3d, 4th and 5th to the committee on Finance; the 6th to the committee on the Judiciary, and the 7th and 9th to the committee on Military Affairs.

The Speaker laid before the Senate the annual report of the Keeper of the Penitentiary.

[For the report—see Legislative Documents.]

Mr. Hanson, from the committee on the Judiciary, reported the following bills, to wit:

1. A bill concerning bills of exchange.

2. A bill to amend the charter of the city of Maysville.

3. A bill amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20th, 1839.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly, and the 2d and 3d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, reported a bill for the benefit of William M. Poyntz, and for other purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to allow additional Justices of the Peace to Wayne and Owen counties—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Louisa J. Reece, praying for a divorce from her husband, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Mr. Jesup moved to amend the said resolution by striking out the words "be rejected," and inserting in lieu thereof the words "is reasonable."

The question being taken thereon, it was decided in the negative, and so the said petition was rejected.

The yeas and nays being required thereon by Messrs. Rodes and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Loving,	Wallace,
Burnett,	McAfee,	Walker, C. J.
Garth,	Pratt,	Walker, J. V.
James,	Rice,	Williams, M.
Jesup,	Slaughter,	Williams, S. L-16
Johnston, G. W.	1	

Those who voted in the negative, were-

Messrs. Alexander,	Hardin,	Payne,
Bennett,	Hughes,	Pirtle,
Clarke,	Huston,	Rodes,
Craddock,	Johnson, B. B.	Sterett,
Griffith,	Morgan, J. S.	Sympson,
Hanson,	Palmer,	Young-18.

Mr. Pirtle, from the committee on Federal Relations, to whom was referred the preamble and resolutions from the House of Representatives, in relation to American citizens captured by Mexico, reported the same without amendment.

The said preamble and resolutions were unanimously concurred in.

Mr. Pirtle, from the same committee, to whom was referred the preamble and resolutions concerning the repudiation of State debts, reported the same with amendments, which were concurred in.

The said preamble and resolutions, as amended, are as follows, viz:

Whereas, the question of the repudiation of State debts has recently been entertained, to some extent, in different sections of the Union, and has become a subject of discussion in the public journals: And, whereas, by reason thereof, the credit of States, even those in which the idea of the repudiation of debts is, itself, discountenanced and repudiated, may suffer unjustly in the estimation of the citizens of foreign nations with which this country holds relations of amity and extensive commercial intercourse, whose continued confidence it should be our pride, as it is our duty, as a free and independent State, to maintain—therefore,

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That it is the high and sacred duty of a sovereign State to observe the ob-

ligations of good faith in all her engagements, not only with her own citizens,

but equally and alike with those of other States and countries.

2. Resolved, That the desperate expedient of throwing off State obligations in any case, by failing to provide, as far as possible, for the prompt payment of public debts and liabilities contracted under the authority of law, is abhorent both to the Government and the people of this Commonwealth, and can never, directly or indirectly, receive the countenance of either: that such conduct would be unworthy of the enlightened age in which we live, shocking to the sense of christendom, a lasting reproach to republican government, and a stain on the American name.

3. Resolved, That copies of the foregoing preamble and resolutions be transmitted by the Governor to the President of the United States, the Executives of the several States, and our Senators and Representatives in Con-

oress.

The question being taken on the adoption of the said preamble and resolutions, it was decided in the affirmative, unanimously.

The yeas and nays being required thereon by Messrs. Hanson and Dyer, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Pratt,
Bailey,	James,	Rice,
Bennet,	Jesup,	Rodes,
Burnett,	Johnson, B. B.	Slaughter,
Clarke,	Johnston, G. W.	Sterett,
Craddock,	Loving,	Sympson,
Dyer,	McAfee,	Wallace,
Garth,	Morgan, D.	Walker, C. J.
Griffith,	Morgan, J. S.	Walker, J. V.
Hanson,	Palmer,	Williams, M.
Hardin,	Payne,	Williams, S. L.
Hughes,	Pirtle,	Young—36.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Hanson—1. A bill concerning bonds for costs by non-resident suitors.

Also-2. A bill concerning the action by petition and summons.

On the motion of Mr. Payne—3. A bill to amend the laws against gaming, by prohibiting the drawing of lotteries and selling lottery tickets in the State of Kentucky.

On the motion of Mr. C. J. Walker-4. A bill to amend the law in relation to seals or scrawls.

On the motion of Mr. Craddock—5. A bill to amend the law of this Commenwealth in relation to the assignment of notes, &c.

Also—6. A bill to amend the laws of this Commonwealth in relation to usury.

On the motion of Mr. Alexander—7. A bill for the benefit of the heirs of Wilson M. Taylor, deceased.

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On the motion of Mr. Pirtle—8. A bill more effectually to protect the right of suffrage.

Also-9. A bill to amend the law concerning the probate of wills.

On the motion of Mr. Huston—10. A bill providing for the annual inspection of the official books and papers of Justices of the Peace of this Commonwealth.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 9th and 10th, and the committee on Privileges and Elections the 8th.

Mr. B. B. Johnson moved the following preamble and resolution, to wit:

WHEREAS, since the last annual meeting of this Senate, Cyrus Wingate, Esq., a member thereof, representing the counties of Franklin, Owen and Anderson, has departed this life—therefore,

Resolved, That the members of this body will, in testimony of the respect in which they hold the memory of said Senator, wear the usual badge of mourning on the left arm for the term of thirty days.

Which were twice read and unanimously adopted.

And then the Senate adjourned.

THURSDAY, JANUARY 6, 1842.

The Speaker laid before the Senate the annual report of the Board of Internal Improvement.

[For the report—see Legislative Documents.]

Ordered, That the said report be referred to the committee on Internal Improvement, and that the Public Printer print 1000 copies thereof, and 150 copies of the accompanying documents for the use of the Senate.

1. Mr. C. J. Walker presented the memorial of sundry citizens of Madison county, praying the Legislature to instruct our Senators in Congress, and request our Representatives to vote for a repeal of the Bankrupt law.

2. Mr. Bailey presented the petition of Hugh Hays and Samuel Huston, executors of David Greenbee, praying for the passage of a law authorizing them to make sale of a certain tract of land.

Which were received and referred: the first to the committee on Federal Relations, and the second to the committee on the Judiciary.

Mr. Hanson, from the committee on the Judiciary, reported the following bills, to wit:

1. A bill to extend the terms of the Nicholas Circuit Court, and change the May and November terms of the Estill Circuit Court.

2. A bill for the recording of commissioners' deeds in the County Court Clerks' offices.

3. A bill confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

4. A bill concerning the action by petition and summons.

5. A bill concerning bonds for costs by non-resident suitors.

6. A bill to change the July and October terms of the Marion Circuit Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 3d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, reported the following bills, to wit:

1. A bill to change the place of voting in the Panther precinct, in the county of Hancock.

2. A bill more effectually to protect the right of suffrage.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly; and the first was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had adopted a preamble and resolutions in relation to the Bankrupt law, and the law distributing the proceeds of the sales of the public lands.

That they had passed bills of the following titles, to wit:

1. An act to provide for the appointment of Commonwealth's Attorneys.

2. An act for the benefit of Nancy Sears.

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3. An act to legalize the proceedings of the Trustees of the town of Poplar Plains, in the county of Fleming.

4. An act for the benefit of William Stanhope.

5. An act to establish a road from some convenient point on the Green river turnpike road, to the Edmonson county line, in a direction to the Mammoth Cave.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d and 4th were referred to the committee on the Judiciary, and the 5th to the committee on Internal Improvement.

The said preamble and resolutions were twice read and referred to the committee on Federal Relations.

Mr. Rodes, from the committee on Religion, reported a bill for the benefit of Susannah Watts, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the question was taken on engrossing and reading the said bill a third time, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pratt and Sterett, were as follows, to wit:

Those who voted in the affirmative, were-

Hardin,	Palmer,
	Rice,
Huston,	Rodes,
James,	Slaughter,
Jesup,	Wallace,
Johnston, G. W.	Walker, C. J.
Loving,	Williams, M.
McAfee,	Williams, S. L-26
Morgan, D.	
	Hughes, Huston, James, Jesup, Johnston, G. W. Loving, McAfee,

Those who voted in the negative, were-

Messrs. Johnson, B. B.	Pratt,	Walker, J. V.
Morgan, J. S.	Sterett,	Young—8.
Pirtle,	Sympson,	

The said bill being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the same committee, reported a bill for the benefit of William Bradley, which was read the first time, and ordered to be read a second time.

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The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-

said.

Mr. G. W. Johnston, from the committee on Finance, reported a bill for the benefit of Charles P. Howard and others, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill

being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Jesup, from the committee on Military Affairs, to whom was referred the nomination of James M. Braine to be Lieutenant Colonel of the 58th Regiment, reported the following resolution thereon, viz:

Resolved, That the Senate do not advise and consent to the said appoint-

ment.

Which was concurred in.

Mr. Jesup, from the same committee, reported a bill for the benefit of Isaac W. Walker and others, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-

said.

Mr. Bailey, from the joint committee of Enrollments, reported that the committee had examined enrolled preamble and resolutions in relation to American citizens captured by Mexico, and had found the same truly enrolled.

The said preamble and resolutions being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

On the motion of Mr. Rice, leave was given to bring in a bill to apply the proceeds of the sales of vacant lands in Lawrence county, in aid of the county levy, upon certain conditions; and the committee of Finance was

directed to prepare and bring in the same.

On the motion of Mr. D. Morgan, the report of the Keeper of the Penitentiary was referred to the committee on the Penitentiary.

Mr. Pirtle read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be, and he is hereby, authorized to deliver to

the Kentucky Historical Society, such books and documents sent to his office, by Congress, for Colleges which have no existence, to be kept by said Society, accessible to the examination of any citizen of this Commonwealth.

The rule of the Senate being dispensed with, the said resolution was ta-

ken up, twice read and adopted.

On the motion of Mr. Clarke, leave was given to bring in a bill for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keally, and the committee on Military Affairs was directed to prepare and bring in the same.

The Speaker laid before the Senate the following letter from the Auditor

of Public Accounts, viz:

STATE OF KENTUCKY, Auditor's Office, January 6, 1842.

SIR:

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Please say to the House over which you have the honor to preside, that my annual report, which should be laid before the General Assembly of the Commonwealth of Kentucky, on the 6th day of its session, will be delayed a few days beyond the day fixed by law for that purpose. The report is already prepared, and at the office of the Public Printer for publication, and will, without some accident unforseen, be ready for delivery in a short time. The press of business growing out of increasing calls for interest on the six year six per cent Internal Improvement State bonds, but for the kindness of the gentlement, applicants for interest, in assisting me in making out schedules of the bonds presented for interest, and rendering me their services as comparing clerks, I should now have been still further behind my work than at present.

I am, respectfully, yours, &c.
BEN. SELBY.

Hon. MANLIUS V. THOMSON,

Lieutenant Governor and Speaker of the Senate.

On the motion of Mr. Pirtle, leave was given to bring in a bill to amend the law concerning injuries to real estate; and the committee on the Judiciary was directed to prepare and bring in the same.

A bill concerning the Register of the Land Office came up in the orders of the day. It is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of any act as provides that the Register of the Land Office shall hold his office during good behaviour, be repealed; and that, hereafter, said Register shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of —— years.

Mr. Rice moved to fill the blank in the said bill with two years, and Mr. J. S. Morgan moved to fill said blank with four years.

The question being taken on the motion of Mr. J. S. Morgan, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Johnston, G. W.	Pratt,
Bailey,	Loving,	Rodes,
Clarke,	McAfee,	Sterett,
Craddock,	Morgan, D.	Wallace,
Dyer,	Morgan, J. S.	Walker, C. J.
Garth,	Palmer,	Walker, J. V.
Hardin,	Pirtle,	Young-22.
Hughes		

Those who voted in the negative, were-

Messrs. Burnett.	Jesup,	Sympson,
Griffith,	Johnson, B. B.	Williams, M.
Hanson,	Rice,	Williams, S. L-11
Huston,	Slaughter,	

Ordered, That the said bill be engrossed and read a third time.

The Speaker laid before the Senate the following communication from the Secretary of State, viz:

Office of the Secretary of State,

January 6, 1842.

SIR:

Pursuant to the act of the 18th of February, 1841, entitled, "an act prescribing the mode of preserving the evidence of the payment of interest on certain State bonds," I have the honor to transmit to the Senate, herewith, a statement showing the amount of interest paid on six year bonds from the 1st of October, 1840, until the 31st of December, 1841, inclusive.

I have the honor to be,

Very respectfully,

Your obedient serv't,

JAMES HARLAN,

Secretary of State.

Hon. Manlius V. Thomson, Speaker of the Senate.

Statement showing the amount of interest paid on six year State Bonds as reported by the Auditor of Public Accounts, to the Secretary of the Treasury.

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1840,	month of	October,	-		10-11-1		-	-	-	\$1,018	
Do	do	November,	-		-		-	-	-	375	
Do	do	December,			- 1		-		-	324	48
Am	ount carri	ed forward,	-		-					\$1,718	52

	Am	ount brought	forward	,		-		\$1,718 52
1841,		January,	-		-	-		185 27
Do	do	February,			-			167 63
Do	do	March,	L	-			-	38 70
Do	do	April,		-	-			7,194 34
Do	do	May,						1,049 39
Do	do	June,	7-15-15-3	•	-	-		1,146 90
Do	do	July,	-	-	-		-	2,856 59
Do	do	August,	-		1 2	-		171 67
Do	do	September,			-			241 95
Do	do	October,	7-01	-			-	12,107 20
Do	do	November,		-		- 1 ·		1,273 88
Do	do	December,	-	-	-	3 - 7	1	906 36
				70.10		, .	<u> </u>	

Aggregate amount from 1st October, 1840, to December, 31st, 1841, inclusive,

\$29,058 40

JAMES HARLAN, Secretary of State.

Mr. McAfee read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Keeper of the Penitentiary be, and he is hereby, directed to prepare and place over the grave of Gen. John Adair, in Mercer county, late Governor of Kentucky, a suitable tomb.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

The committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of William Stanhope, and it was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

And then the Senate adjourned.

FRIDAY, JANUARY 7, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled preamble and resolutions which originated in that House, in relation to American citizens captured by Mexico.

That they had passed bills of the following titles, to wit:

An act for the benefit of Matthew Neale.

An act for the benefit of Henry Payne.

An act for the benefit of Benjamin W. Graves.

An act for the benefit of Matthew Cook.

An act to authorize the Trustees of Princeton Seminary to rent out the property.

An act for the benefit of Elizabeth Taylor.

An act to establish an election precinct in the town of Steamport, in the county of Henderson, and to change the place of voting in another.

An act to change the place of voting in the Big Hill precinct, in Madison county.

An act for the benefit of the Clerk of the Whitley Circuit Court.

An act authorizing the County Courts of Wayne, Russell and Hickman, to appoint overseers of the poor without building poor houses.

1. Mr. Huston presented the memorial of sundry citizens of Spencer and Bullitt counties, praying the Legislature to instruct our Senators in Congress, and request our Representatives to vote for a repeal of the Bankrupt law.

2. Mr. Pratt presented the petition of Amanda D. Johnson, praying for a divorce from her husband.

3. Mr. Pirtle presented the memorial of sundry citizens of the city of Louisville and Jefferson county, praying the Legislature to instruct our Senators in Congress, and request our Representatives to vote for a repeal of the Bankrupt law.

4. Mr. Loving presented the petition of Juliet Henry, executrix of her late husband, M. W. Henry, deceased, praying for the passage of a law to reimburse her for losses sustained by the washing away of an abutment at lock and dam, No. 4, on Green river, which had been contracted for by her said husband.

Which were received and referred: the 1st and 3d to the committee on Federal Relations,; the 2d to the committee on Religion, and the 4th to the committee on Internal Improvement.

Mr. Hanson, from the committee on the Judiciary, reported the following bills, to wit:

- 1. A bill to amend the law concerning injuries to real estate.
- 2. A bill to amend the law concerning the probate of wills.
- 3. A bill to amend the law concerning sealed writings.
- 4. A bill to amend the 5th section of an act to reduce into one the several attachment laws, approved February 20th, 1839.

Which bills were severally read the first time, and ordered to be read a second time.

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The constitutional rule as to the second reading being dispensed with, the said bills were re-committed to the committee on the Judiciary, and the Public Printer was directed to print 150 copies of each of said bills for the use of the General Assembly.

Mr. Hanson, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act for the benefit of Nancy Sears.

An act to legalize the proceedings of the Trustees of the town of Poplar Plains, in the county of Fleming.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, reported a bill for the benefit of John M. Baker, Surveyor of Cumberland county, and a bill for the benefit of Sylvania Floyd.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the appointment of Commonwealths' Attorneys, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill concerning the action of replevin, reported the same without amendment.

The said bill was amended and ordered to be engrossed and read a third time.

Mr. Jesup, from the committee on Military Affairs, reported a bill for the benefit of William McCleland, and others, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on Federal Relations, to whom was referred preamble and resolutions from the House of Representatives, in relation to the Bankrupt law, and the law distributing the proceeds of the sales of the public lands, reported the same with two amendments. The first resolution reads as follows, viz:

Resolved, That in the opinion of the General Assembly of the Commonwealth of Kentucky, it is the desire of a large majority of the people of Kentucky that the Bankrupt law, enacted at the late extra session of Con-

gress, shall be repealed.

The first amendment proposes to amend the said resolution by striking out the words "shall be repealed," printed in italics, and inserting in lieu thereof, the words "should be amended so as to take away its operation on contracts made before the passage of said law."

The question being taken on the adoption of the said amendment, it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Rice and Wallace, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey, Clarke,	Johnston, G. W. Loving,	Rodes, Slaughter,
Craddock,	Morgan, J. S.	Walker, J. V11.
Dver,	Pirtle,	

Those who voted in the negative, were-

Messrs. Alexander,	Huston,	Rice,
Burnett,	James,	Sterett,
Garth,	Jesup,	Sympson,
Griffith,	Johnson, B. B.	Wallace,
Hanson,	McAfee,	Walker, C. J.
Hardin,	Palmer,	Williams, M.
Hughes,	Pratt,	Young—21.

The second amendment reported by the committee was also disagreed to.

The said preamble and resolutions were referred to a committee of the whole House on the state of the Commonwealth, and made the order of the day for to morrow.

Mr. J. S. Morgan read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Senators in Congress from this State be instructed, and the Representatives be requested, to introduce the following propositions as amendments to the Constitution of the United States, to be proposed by Congress to the Legislatures of the several States:

1. The President of the United States shall be elected for the term of years, and after the expiration of his term of service, shall be forever in-

eligible to that office; and whenever the office of President shall become vacant from any cause whatever, the Vice President, or other person filling the office for the remainder of the term, shall also forever be ineligible to the office of President.

2. When a bill shall have passed both Houses of Congress, it shall, before becoming a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it shall have originated, where said objections shall be entered at large upon its journals, and the said bill shall be reconsidered. If after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, together with the President's objections, to the other House, by which it shall be reconsidered; and if approved by a majority of all the members elected to that House, it shall be a law.

Mr. Hughes read and laid on the table the following preamble and resolutions, viz:

Whereas, the period is not distant, when the last of the soldiers of the ever glorious Revolution which brought liberty and independence to our Heaven favored America, will have descended to the tomb of the free and the brave: And, whereas, suitably to mark the event when it shall have transpired, as an era in the history of the country, by a national solemnization in memory and in honor of the venerated patriot band, will become the mournful, yet pleasing and greatful task of the whole American people—therefore.

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to introduce and procure the adoption of resolutions by that body, 1st, requesting the Secretary of War to take the requisite steps to ascertain the number, names and residence of all the surviving soldiers of the Revolution of whatever rank; to enquire after, and note the time of their decease; and when the last individual of the number shall have passed away from amongst us, to report the fact to the President of the United States; and 2d, requesting the President, thereupon, to issue his proclamation fixing a day, and prescribing the manner in which a grateful people may do honor to the memory and character of the immortal heroes and patriots, collectively, by whose toils and valor the boon of freedom is inherited.

2. Resolved, That copies of this preamble and resolutions be transmitted by the Governor to the President of the United Stated, the Governors of the several States and Territories, and our Senators and Representatives in Congress.

The rule of the Senate being dispensed with, the said resolutions were taken up, twice read and adopted.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Rodes—1. A bill further to regulate the terms of the Fayette, Scott and Owen Circuit Courts.

On the motion of Mr. Jesup—2. A bill to amend the law relating to pedlars.

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On the motion of Mr. James—3. A bill for the benefit of John McCall, and others.

On the motion of Mr. G. W. Johnston—4. A bill for the adjustment of certain claims of Lud Fore against the Commonwealth.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Finance the 3d and 4th, and Messrs. Jesup, G. W. Johnston and Hardin were appointed a committee to prepare and bring in the 2d.

Mr. C. J. Walker presented the petition of Jonathan Davidson, praying for the passage of a law granting him a change of venue—which was received and referred to the committee on the Judiciary.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to regulate the terms of the Jefferson Circuit Court.

Mr. Hanson, from the same committee, reported a bill to regulate the terms of the Fayette, Scott and Owen Circuit Courts, and for other purposes.

The said bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Griffith,

Resolved, That the committee on Finance enquire into the practicability and policy of collecting the revenue tax, for the present year, from the books made out by the Commissioners for the year 1841, which, if found expedient, will save to the State near \$17,500, the Auditor's estimate of the costs for taking in the list of taxable property for the year 1842.

On the motion of Mr. Griffith, the vote was re-considered by which the petition of Louisa J. Reece for a divorce, was rejected; and the question being again taken on the amendment, moved by Mr. Jesup, to strike out "be rejected," and insert, in lieu thereof, "is reasonable," it was decided in the affirmative.

Ordered, That the committee on Religion prepare and report a bill pursuant to the said petition.

And then the Senate adjourned.

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SATURDAY, JANUARY 8, 1842.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Isaac W. Walker, and others.

That they had passed bills of the following titles, to wit:

- 1. An act to establish an election precinct in the county of Morgan, and for other purposes.
- 2. An act declaring copies of foreign wills, recorded in the County Courts of this State, evidence.
 - 3. An act for the benefit of Mary Ann and Basil B. Mason.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Privileges and Elections; the 2d to the committee on the Judiciary, and the 3d to the committee on Religion.

The Speaker laid before the Senate a letter from Hiram McElroy, relative to the election of Senator in the second Senatorial District.

Ordered, That the said communication be referred to the committee on Privileges and Elections.

- 1. Mr. S. L. Williams presented the memorial of sundry citizens of Montgomery county, praying the Legislature to instruct our Senators in Congress, and request our Representatives to vote for a repeal of the Bankrupt law.
 - 2. Mr. Sympson presented the memorial of sundry citizens of Green county, also praying for a repeal of said law.
 - 3. Mr. James presented the petition of Susan Wright, praying for a divorce from her husband.

Which were received and referred: the 1st and 2d to the committee on Federal Relations, and the 3d to the committee on Religion.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to authorize and enable the city of Louisville to erect water works—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on the Judiciary.

Mr. Rodes, from the committee on Religion, reported a bill for the benefit of Louisa J. Reece—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the same committee, to whom was referred the petition of Reuben Hazlewood, praying for a divorce from his wife, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Mr. Bailey moved to strike out the words "be rejected," and insert, in lieu thereof, "is reasonable."

The question being taken thereon, it was decided in the negative, and so the said petition was rejected.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Rodes, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Jesup,	Walker, C. J.
Garth,	Loving,	Williams, M.—7.
Tames		

Those who voted in the negative, were-

Johnson, B. B.	Rodes,
Johnston, G. W.	Slaughter,
McAfee,	Sterett,
Morgan, J. S.	Sympson,
Palmer,	Wallace,
Pirtle,	Walker, J. V.
Pratt,	Williams, S. L.
Rice,	Young—24.
	Johnston, G. W. McAfee, Morgan, J. S. Palmer, Pirtle, Pratt,

Mr. Alexander, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act to allow additional Justices of the Peace to Wayne and Owen counties.

An act for the benefit of William Stanhope.

And an enrolled bill which originated in the Senate, entitled, an act for the benefit of Isaac W. Walker, and others.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee were directed to lay the said bills before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

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Mr. Young, from the committee on Religion, to whom was referred the petition of Jackson Howerton, praying for a divorce from his wife, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Mr. M. Williams moved to amend the said resolution by striking out the words "be rejected," and inserting, in lieu thereof, "is reasonable."

The question being taken thereon, it was decided in the negative, and so the said petition was rejected.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

EXECUTIVE OFFICE, January 8, 1842.

Gentlemen of the Senate:

I nominate, for your advice and consent, Joseph B. Reid to be Mayor of the city of Maysville until the end of the next session of the General Assembly, if so long he shall behave well, he having been elected to said office by a majority of the citizens of said city.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to establish a road from some convenient point on the Green river turnpike road, to the Edmonson county line, in a direction to the Mammoth Cave, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, reported a bill for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatly—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from a select committee, reported a bill to amend the law relative to pedlars—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was committed to the committee on Finance.

Mr. Hanson, from the committee on the Judiciary, reported a bill to amend the law on the subject of usury.

And a bill to amend the law in relation to the assignment of notes, &c.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were re-committed to the committee on the Judiciary, and the Public Printer was directed to print 150 copies of each for the use of the General Assembly.

Bills from the House of Representatives of the following titles, viz:

- 1. An act for the benefit of Matthew Neale.
- 2. An act for the benefit of Henry Payne.
- 3. An act for the benefit of Benjamin W. Graves.
- 4. An act for the benefit of Matthew Cook.
- 5. An act to authorize the Trustees of Princeton Seminary to rent out the property.
 - 6. An act for the benefit of Elizabeth Taylor.
- 7. An act to establish an election precinct in the town of Steamport, in the county of Henderson, and to change the place of voting in another.
- 8. An act to change the place of voting in the Big Hill precinct, in Madison county.
 - 9. An act for the benefit of the Clerk of the Whitley Circuit Court.
- 10. An act authorizing the County Courts of Wayne, Russell and Hickman, to appoint overseers of the poor without building poor houses.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 4th, 6th, 9th and 10th to the committee on the Judiciary; the 2d to the committee on Finance; the 3d to the committee on Internal Improvement; the 5th to the committee on Education, and the 7th and 8th to the committee on Privileges and Elections.

An engrossed bill, entitled, an act concerning the action of replevin, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

On the motion of Mr. Craddock, leave was given to bring in a bill to amend the law on the subject of slaves giving evidence in this Commonwealth.

And a bill to amend the law requiring persons who are offered as securities, to be sworn; and the committee on the Judiciary was directed to prepare and bring in the said bills.

Ordered, That the preamble and resolutions from the House of Representatives, in relation to the Bankrupt law, and the law distributing the

proceeds of the sales of the public lands, be postponed and mode the order of the day, in committee of the whole, on the state of the Commonwealth, for Saturday next, the 15th instant.

And then the Senate adjourned.

MONDAY, JANUARY 10, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of the resolutions from the Senate concerning the soldiers of the Revolution.

That they had passed bills of the following titles, to wit:

An act for the divorce and change of name of Elizabeth Ware.

An act for the divorce and change of name of Fidelia Isbell.

An act to dissolve the marriage contract between Cynthia Wester and Samuel Waters, and to change the name of said Cynthia.

An act for the benefit of Harry I. Bodley and James C. Rodes.

That they had adopted a resolution to add to the committee on Banks—which resolution was twice read and concurred in.

Mr. J. S. Morgan was added to the committee on Banks, on the part of the Senate, pursuant thereto.

The Speaker laid before the Senate the annual report of the Commission of the Lunatic Asylum.

[For the report—see Legislative Documents.]

The Speaker laid before the Senate the annual report of the Public Librarian, which is as follows, viz:

LIBRARY ROOM, Frankfort, January 5, 1842.

SIR:

You will please lay before the honorable House over which you preside, the accompanying report, which contains the books received and purchased for the Public Library for the year 1841.

Yours respectfully,

GEO. A. ROBERTSON,

Public Librarian.

Hon, Manlius V. Thomson,

Speaker of the Senate.

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A Catalogue of Books received in the Public Library from the Secretary of State, in 1841.

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	Years.	Numbers.	Vols.	
American Archives, -		1774-5	6574 to 6575	2
	Cong.			
Reports of Committees, Executive Documents, Senate Documents, House Journals, House Journals of Kentucky, Senate Journals of Kentucky, Acts of Kentucky, Reports of Kentucky, Reports of Kentucky, Senate Journals of Maryland, Conventions of Maryland, Bozman's History of Maryland, Geography of N. Jersey by Henry D. Rogers, Laws of Maryland, Laws of New York, Laws of Illinois, Laws of Connecticut, Laws of Michigan, Revised Statutes of Arkansas, Illinois S. and H. R. Reports, Decisions Sup. Court of Missouri, Revised Statutes of Vermont, Laws of Pennsylvania,	26 26 26 26 26 	'39-'40 '39-'40 '39-'40 '39-'40 '39-'40 '39-'40 1840-1 1840-1 1040-1 '74'75'76 1633 1840 1840-1 1841 1841 1841 1840 1837 1839 1838-9 1838-9 1838-9	6743 to 6744 6745 to 6746 6747 6748 6749 6749 675 675 680 680 681	25 25 50 25 25 26 21 2 25 27 11 28 11 11 18 18 11 11 12 11 12 13 14 14 15 16 16 17 17 18 18 18 18 18 18 18 18 18 18 18 18 18

Books purchased for the State Library, in 1841.

	Numbers.	Vol.	Dollars.
1 Indian Biography, 1 Franklin's Works, by J. Sparks, 1 Botta's History,	6752 to 6761 6762 to 6763	11 10 2	66 00 33 00 5 00
Paid,		1 '->	\$104 00

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Books purchased for the State Library by the Judges of the Court of Appeals in 1841, viz:

		Numbers.	Vols.	Dollars.
I Guizot's History of Civilization, I Journal of Convention, 1779 and 1780, I Madison Papers, I Smith's Wealth of Nations, I Thier's French Revolution, I Brown's Parlimentary Cases, I Bentham's Works, I Condensed Reports, U.S., I Do do do I Code's Napoleon, I Dodson's Admiralty Reports, I Haggard's do do		6764 6765 6766 to 6768 6769 6770 to 6772 6773 to 6780 6781 to 6787 1713 6788 6789 6790 to 6791 6792	1 1 3 1 3 8 7 1 1 1 2	1 25 1 50 11 00 6 00 8 00 32 00 28 00 6 00 8 50 19 00 7 50
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		and the same		\$235 25

CREDITS.

Cash paid by Judge Wooley,	-		-	-	\$150 00
Cash paid by G. A. Robertson,	-	1		-	85 25

\$235 25

Exchange of Books with William M. Todd:

Three copies of the Acts of Kentucky, 1835, three volumes, for two copies of Acts of Kentucky, 1829, Nos. 391-392, two volumes, and one copy Acts, 1837, No. 327, one vol.

GEO. A. ROBERTSON, Pub. Lib.

1. Mr. B. B. Johnson presented the memorial of sundry citizens of Anderson county, praying the Legislature to instruct our Senators in Congress, and request our Representatives, to vote for a repeal of the Bankrupt law.

2. Mr. Sympson presented the petition of sundry citizens of Green county, praying for the passage of a law to change the name of an election precinct in said county.

Which were received and referred: the 1st to the committee on Federal Relations, and the 2d to the committee on Privileges and Elections.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Clerk of the Whitley Circuit Court.

An act for the benefit of Elizabeth Taylor.

An act authorizing the County Courts of Wayne, Russell and Hickman, to appoint overseers of the poor without building poor houses.

An act for the benefit of Matthew Cook.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bills do pass, and that the titles thereof be as

aforesaid.

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Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Matthew Neale, reported the same without amendment. The said bill is as follows, to wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Wayne county, (a majority of the Justices being present,) may, if to them it shall seem right and prudent, grant to Matthew Neale, of said county, who was a gallant officer in the late war, but is now in indigent circumstances, with an old and helpless lady as his wife, the privilege of keeping a tavern in Monticello, upon such conditions and restrictions as they may deem just, and subject, always, to the revocation or alteration of said court or of this General Assembly.

Mr. Craddock moved to amend the said bill by adding thereto the follow-proviso, viz:

Provided nothing contained in this act shall be construed to authorize the said Neale to retail spirits.

Mr. Hardin moved to lay the said bill and amendment on the table until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and J. S. Morgan, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Bailey,	Jesup,	Rice,
Clarke,	Loving,	Slaughter,
Craddock,	McAfee,	Sterett,
Griffith,	Morgan, D.	Sympson,
Hanson,	Morgan, J. S.	Wallace,
Hardin,	Palmer,	Williams, S. L.
Hughes,	Pratt,	Young—22.
Huston.		

Those who voted in the negative, were-

Messrs. Alexander,	Garth,	Walker, C. J.
Bennett,	James,	Walker, J. V.
Burnett,	Johnson, B. B.	Williams, M—10.

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A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, John Calhoon, of Breck-inridge county, to be Circuit Judge of the 14th Judicial District, in the place of Alney McLean, deceased.

James Hines to be Notary Public for the county of Warren.

R. P. LETCHER.

January 10, 1842.

Resolved, That the Senate advise and consent to the said appointments. Mr. Craddock, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Mary Ann and Basil B. Mason, reported the same without amendment, and the further consideration of the said bill was postponed until to morrow.

And then the Senate adjourned.

TUESDAY, JANUARY 11, 1842.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to wit:

- 1. An act for the benefit of David Mathis.
- 2. An act for the benefit of the heirs of Jesse Rubel, deceased, and others.
- 3. An act for the benefit of the Somerset Academy.
- 4. An act changing the names of James Tapp and Jane Hays.
- 5. An act for the benefit of Presley M. Hoskins.
- 6. An act to amend the several laws to suppress the practice of duelling. Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st and 5th to the committee on Finance; the 2d to the committee on Military Affairs; the 3d to the committee on Education; the 4th to the committee on Propositions and Grievances, and the 6th to the committee on the Judiciary.

Mr. McAfee presented the petition of Lambert Bonta, praying the State to purchase of said Bonta, at par, a portion of his stock in the Lexington, Harrodsburg and Perryville turnpike road—which was received and referred to the committee on Internal Improvement.

A bill from the House of Representatives, entitled, an act for the benefit of Mary Ann and Basil B. Mason was taken up.

Mr. Palmer presented additional documents relative thereto.

Ordered, That the said bill and accompanying documents be re-committed to the committee on Religion.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Henry Payne, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. G. W. Johnston, from the same committee, reported a bill for the benefit of John McCall, and others—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill to amend the law relating to pedlars, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-

said.

Mr. Huston, from the committee on Privileges and Elections, reported a bill to change the place of voting in the Green Spring precinct, in Green county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Jesup read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine the Transylvania University and the Lunatic Asylum; and that said committee report to the Legislature the prospects and resources of the former, and the condition of the latter.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted,

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Leave was given to bring in the following bills, viz:

On the motion of Mr. G. W. Johnston—1. A bill concerning the 17th Judicial District.

On the motion of Mr. Rice—2. A bill making an appropriation to the Louisa Academy, in Lawrence county.

On the motion of Mr. Palmer—3. A bill to enable the Clerks of the Washington and Marion Circuit Courts to renew their bonds.

Messrs. G. W. Johnston, C. J. Walker and Huston, were appointed a committee to prepare and bring in the 1st; the committee on Education were directed to prepare and bring in the 2d, and the committee on the Judiciary the 3d.

Mr. Garth moved the following resolution, to wit:

Resolved by the Senate of the Commonwealth of Kentucky, That the committee of Education be instructed to enquire into the propriety of repealing the law establishing common schools in the State of Kentucky.

Ordered, That the further consideration of the said resolution be postponed until Monday week, the 24th instant.

The Speaker laid before the Senate the annual report of the Superintendent of Public Instruction, which is as follows, viz:

FRANKFORT, January 11th, 1842.

Hon. Manlius V. Thomson,

Lieutenant Governor and Speaker of the Senate.

I have the honor, herewith, to transmit, through you, to the General Assembly of Kentucky, the annual report of the Board of Education.

With sentiments of high consideration and respect,

I have the honor to be, yours, &c.,
B. B. SMITH,
Sup. of Pub. Inst. for the Com'th of Ky.

[For the report—see Legislative Documents.]

Ordered, That the said report be referred to the committee on Education, and that the Public Printer print 1000 copies thereof for the use of the General Assembly.

Mr. Huston read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, by joint vote of both Houses, on Saturday the 32d instant, proceed to the election of a Treasurer, Public Printer, Librarian, and President and Directors of the Bank of the Commonwealth.

Bills from the House of Representatives of the following titles, viz:

- 1. An act for the divorce and change of name of Elizabeth Ware.
- 2. An act for the divorce and change of name of Fidelia Isbell.
- 3. An act to dissolve the marriage contract between Cynthia Wester and Samuel Wester and to change the name of said Cynthia.

4. An act for the benefit of Harry I. Bodley and James C. Rodes.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d and 3d to the committee on Religion, and the 4th to the committee on the Judiciary.

Engrossed bills of the following titles, were severally read the third time, to wit:

An act concerning the Register of the Land Office.

An act for the recording of commissioners' deeds in the County Court Clerks' offices.

An act concerning the action by petition and summons.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act concerning bonds for costs by non-resident suitors, was read a third time and re-committed to the committee on the Judiciary.

And then the Senate adjourned.

WEDNESDAY, JANUARY 12, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to establish a road from some convenient point on the Green river turnpike road, to the Edmonson county line, in a direction to the Mammoth Cave.

That they had passed bills of the following titles, to wit:

- 1. An act for the benefit of the second Presbyterian Church in Louisville.
- 2. An act for the divorce of Allan Moody.
- 3. An act to establish a road from the mouth of Laurel, through London, to Bates' Salt Well, in Clay county.
- 4. An act allowing an additional Justice of the Peace and Constable to the county of Bath, and for other purposes.
- 5. An act to legalize the elections of certain school districts in Caldwell county.
 - 6. An act for the benefit of Samuel D. Hanke, and others.
- 7. An act for the benefit of the Methodist Episcopal Church, in the town of Newport.

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8. An act for the benefit of the Trustees of the Methodist Episcopal Church, in Lexington.

9. An act to amend the act, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Monticello school house, in Grant county.

10. An act to authorize the County Court of Henderson county to discontinue a street in the town of Henderson.

11. An act for the divorce of Susannah Barnett, and to change her name.

12. An act to reduce the number of Justices of the Peace in Greenup county.

13. An act to change the time of holding the Court of Assessment for the 110th Regiment of Kentucky Militia.

14. An act to amend the revenue laws.

15. An act for the benefit of Henry Crawford, and others.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 4th, 7th and 8th to the committee on the Judiciary; the 2d and 11th to the committee on Religion; the 3d, 9th and 10th to the committee on Internal Improvement; the 5th to the committee on Education; the 6th, 13th and 15th to the committee on Military Affairs; the 12th to the committee on Propositions and Grievances, and the 14th to the committee on Finance.

The Speaker laid before the Senate the annual report of the Auditor of Public Accounts, which is as follows, to wit:

STATE OF KENTUCKY,
Auditor's Office, January 11, 1842.

SIR:

Do me the kindness to lay before the Senate over which you have the honor to preside, my annual report, which accompanies this.

1 am, very respectfully, yours, &c.,
BEN. SELBY,
Aud. Pub. Accounts.

Hon. Manlius V. Thomson, Speaker of the Senate.

[For the report—see Legislative Documents.]

Ordered, That the said report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. Dyer presented the petition of sundry citizens of Grayson county, praying the Legislature to instruct our Senators in Congress, and request our Representatives, to vote for a repeal of the Bankrupt law.

2. Mr. J. V. Walker presented certified copies of the poll books of Caldwell, Livingston and Union counties, of the Senatorial election in 1841.

3. Mr. McAfee presented the proceedings of a public meeting, held by sundry citizens of Mercer county, in relation to compelling the Banks to resume specie payments.

4. Mr. G. W. Johnston presented the petition of Anderson Wade, praying for a divorce from his wife.

Which were received and referred: the 1st to the committee on Federal Relations; the 2d to the committee on Privileges and Elections; the 3d to committee on Banks, and the 4th to the committee on Religion.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill, entitled, an act concerning bonds for costs by non-resident suitors, rereported the same with an amendment, which was concurred in.

Ordered, That the said bill be re-engrossed and again read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto "and certain corporations."

Mr. Hanson, from the same committee, reported a bill for the benefit of the Clerks of the Washington and Marion Circuit Courts.

And a bill declaring in what cases negroes, mulattoes, Indians and slaves shall be competent witnesses.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred bills of the following titles, viz:

- 1. A bill to amend the law concerning injuries to real estate.
- 2. A bill to amend the law concerning sealed writings.
- 3. A bill to authorize and enable the city of Louisville to erect water works.

Reported the same without amendment.

Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That the 1st and 2d bills do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to wit:

- 1. An act for the benefit of Harry I. Bodley and James C. Rodes.
- 2. An act to amend the several laws to suppress the practice of duelling.

Id by

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act declaring copies of foreign wills recorded in the County Courts of this State, evidence, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill to amend the law concerning the probate of wills, reported the same with amendments, which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Hanson, from the same committee, to whom was referred a bill to amend the law on the subject of usury, and a bill to amend the law in relation to the assignment of notes, &c., reported the same without amendment, and the said bills were made the order of the day for Tuesday next.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act to establish an election precinct in the town of Steamport, in the county of Henderson, and to change the place of voting in another.

An act to change the place of voting in the Big Hill precinct, in Madison county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Craddock, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Mary Ann and Basil B. Mason, reported the same without amendment.

Ordered, That the said bill be read a third time.

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The constitutional rule as to the third reading being dispensed with, the question was taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rice and James, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	James,	Slaughter,
Bailey,	Jesup,	Sympson,
Clarke,	Johnston, G. W.	Wallace,
Craddock,	Loving,	Walker, C. J.
Dyer,	McAfee,	Walker, J. V.
Garth,	Morgan, D.	Williams, M.
Griffith,	Pratt,	Williams, S. L-22
Hanson,		

Those who voted in the negative, were-

Messrs. Bennet,	Huston,	Rice,
Burnett,	Johnson, B. B.	Sterett,
Hardin,	Palmer,	Young—10.
Hughes.		

Resolved, That the title of the said bill be as aforesaid.

Mr Rodes, from the same committee, reported a bill for the benefit of William M. and Eleanor Griggs—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. G. W. Johnston, from the committee on Finance, to whom was reerred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Presley M. Hoskins.

An act for the benefit of David Mathis.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. McAfee, from the committee on Education, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to authorize the Trustees of Princeton Seminary to rent out the property.

An act for the benefit of the Somerset Academy.

Reported the same without amendment.

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Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, reported a bill for the benefit of E. O. Hawkins, and others.

And a bill for the benefit of Pouncy Nuckols, and others.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. G. W. Johnston, from a select committee, reported a bill concerning the 17th Judicial District—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. McAfee,

Resolved, That the committee on Banks be instructed to enquire into the propriety of requiring the Banks of Kentucky to resume specie payments. Resolved, That they be further instructed to enquire into the expediency of limiting the loans and discounts, made to individuals, companies and corporations, as well as to the Directors and Officers of said Banks; and if, in their opinion, the Banks ought to resume specie payments, and that their loans and discounts ought to be limited, to prepare and bring in a bill accordingly.

On the motion of Mr. Pratt,

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of dispensing with the services of all the corps of Engineers, except one of the resident Engineers, whose duty it shall be to superintend the works on the rivers now in progress; also, to enquire into the propriety of disbanding the Board of Internal Improvement, as well as all other retrenchments which may seem fit and proper, and report, as soon as practicable, their views on the subject to the Senate.

On the motion of Mr. James,

Resolved, That the committee on Finance be instructed to enquire into the expediency and propriety of so amending the jury law, as to authorize the Trustee of the Jury Fund, for any county in this Commonwealth, where there may not be money sufficient in his hands, at the time of paying jurors, to draw, (by the direction of the court,) upon the Sheriff of the county for such deficit; and upon the payment of the same by said Sheriff, to direct

the Second Auditor to allow him a credit for the same in the settlement of his revenue.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Griffith—I. A bill to permit any purchaser or owner of non-resident lands, to pay up any amount of taxes due by him on any tract of land standing on the Auditor's books, or forfeited for non-payment of taxes.

On the motion of Mr. Clarke—2. A bill for the benefit of Zachariah White. On the motion of Mr. G. W. Johnston—3. A bill concerning the turn-pike roads in this Commonwealth.

On the motion of Mr. Craddock—4. A bill to change the practice in suits at law in the courts of this Commonwealth.

Messrs. Griffith, Sterett and James were appointed a committee to prepare and bring in the 1st; the committee on Internal Improvement was directed to prepare and bring in the 2d and 3d, and the committee on the Judiciary the 4th.

A message, in writing, was received from the Governor,

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Executive Office, January 12, 1842.

Gentlemen of the Senate:

I nominate, for your advice and consent, the following persons to be civil officers for the offices attached to their names, they having been commissioned since the adjournment of the last Legislature until the end of the present session, to wit:

Elijah McWharter to be Sheriff of Clay county, the court having failed

to recommend agreeably to the Constitution.

Henry Scofield to be Sheriff of Graves county, the court having failed to recommend agreeably to the Constitution.

David Duncan to be Sheriff of Wayne county, the court having failed to

recommend agreeably to the Constitution.

Chasteen T. Dunavan to be Sheriff of Warren county, in place of Robert W. Lucas, resigned.

Robert F. Pulliam to be Sheriff of Allen county, in place of John Caruth, resigned.

John M. Price to be Notary Public of Carroll county.

Charles B. Ryan to be Notary Public of Mason county, in place of John Bronaugh, removed.

John C. Dewees to be Notary Public of Mason county, in place of William M. McIlvain, removed.

Silas T. Green to be Notary Public of Madison county, in place of T. C. Howard, deceased.

James McConathy to be Notary Public of Trimble county.

R. P. LETCHER,

Resolved, That the Senate advise and consent to the said appointments.

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The Speaker laid before the Senate the following communication from the Secretary of State, viz:

Office of the Secretary of State, January 12, 1842.

SIR:

Since my report, made the 6th instant, of the amount of warrants issued by the Auditor of Public Accounts for interest on six year Internal Improvement Bonds, the Auditor has made a return to me of an additional amount of warrants, issued by him in the month of December, 1841, amounting to \$235 72, and omitted by him in his former report to this office.

I have the honor to be,
Very respectfully,
Your ob't serv't,
JAMES HARLAN,
Secretary of State.

Hon. Manlius V. Thomson, Speaker of the Senate.

Ordered, That the said communication be referred to the committee on the Sinking Fund.

The Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz:

STATE OF KENTUCKY, Auditor's Office, January 12, 1842.

Hon. M. V. Thomson, Speaker of the Senate.

A paper containing the advertisement for the sale of Lexington and Ohio Railroad, called the Commonwealth, and a report of Wm. R. McKee to me, containing a schedule of the property belonging to the Company thereof; which please lay before the house over which you have the honor to preside.

I am yours, &c.

BEN. SELBY, Auditor.

PUBLIC SALE.

The Lexington and Ohio Railroad Company, and all other persons are hereby notified, that in obedience to two acts of the General Assemby of the Commonwealth of Kentucky, entitled, "Acts for the benefit of the Lexington and Ohio Railroad Company," one approved the 2d day of February, 1833—the other approved 18th day of February, 1841; and by virtue of the power and trust contained in a deed of mortgage, made and executed by the said Railroad Company to the said Commonwealth, on the 25th day of February, 1833, which said deed of mortgage has been duly acknowledged and approved, and is now of record in the office of the Clerk of the Court of Appeals: I, BEN. SELBY, Auditor of Public Accounts for the said Commonwealth, will on the 15th day of January, 1842, at the front

door of the Capitol, in the town of Frankfort, in the county of Franklin. and State of Kentucky, between the hours of ten o'clock, A. M. and 5 o'clock, P. M., proceed to sell, at public auction, to the highest bidder, for ready money, all the lands, tenements, machinery, or other property, of whatever description now held, or possessed, by the said Railroad Company, including their interest in said road, and all their stock laid out and expended on said road, or adjacent thereto; together with all the rights and privileges now held and owned by said company, in virtue of the laws of the said Commonwealth: also, all the estate, right, title, interest, use, trust, term or terms for years or for life or lives, right of tenancy and right of removal; all property in possession of said company; all benefit, claim, demand whatsoever, in law or equity; all right and equity of redemption of, or belonging to the said company, in and to said Railroad, or any part or parcel thereof: all real or personal property situate on, adjacent to, or in anywise belonging to the route, tract, way of the said Railroad, from the terminus thereof on the Ohio river, to the terminus thereof in the city of Lexington: all, or so much of, the aforesaid described property will be sold as will satisfy and pay the following sums of money, heretofore paid by the said Commonwealth, for and on account of interest due and unpaid by the said Railroad Company, on a loan of 150,000 dollars, heretofore obtained by said Railroad Company, and for the payment of the interest and principal, of which the faith and credit of the said Commonwealth is pledged, to-wit:

The sum of 7,835 dollars and 50 cents, of interest paid in 1839. sum of 1,605 dollars, balance of interest, &c., paid in March, 1840. sum of 1,297 dollars and 80 cents, of interest, &c., paid May, 1840. The sum of 1,870 dollars and 50 cents, of interest, &c., paid May, 1840. The sum of 1,612 dollars and 50 cents, of interest, &c., paid June, 1840. sum of 1,297 dollars and 80 cents, of interest, &c., paid October, 1840. The sum of 1,837 dollars, of interest, &c., paid November, 1840. The sum of 1,567 dollars and 50 cents, of interest, &c., paid December, 1840. The sum of 1,861 dollars and 80 cents, of interest, &c., paid April, 1841. sum of 1,297 dollars and 80 cents, of interest, &c., paid April, 1841. sum of 1,621 dollars and 80 cents, of interest, &c., paid May, 1841-which said sums, thus paid, amount to the sum of 23,705 dollars. And in the event any accruing interest, on the said loan of 150,000 dollars, should be paid by the said Commonwealth, on or before the day of sale, then such of the said property as remains unsold, will be exposed to sale at the same time and place, and upon the same terms, or so much thereof as will satisfy and pay the said accruing interest. A list of the property to be sold may be seen at the Auditor's Office, in the town of Frankfort, at any time, on or before the day of sale.

BEN. SELBY, Auditor of Public Accounts.

Schedule of property furnished the Auditor of Public Accounts, by the President of the Lexington and Ohio Railroad Company.

Being advised that the Executive of the State would urge upon the Legislature the propriety of selling your road, under the State's mortgage, a

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majority of the Directors have deemed it proper to call you together, that you may confer on the steps which should be taken under the circumstances. With this view, I deem it proper to give you all the information of which I am possessed, concerning your property.

In May last, the undersigned being chosen President of this Company, proceeded to Louisville to relieve his predecessor. From Mr. Tyler he received the books papers and documents, of whatever description, pertaining to the road, and also a balance of 5,092 dollars and 59½ cents, of which the sum of 5000 dollars was, and still is, in the hands of the Board of Internal Improvement, being the balance of a loan of 20,000 dollars from that Board, and the remaining 92 dollars and 59½ cents was in cash.

Two divisions of the road, to-wit: The Lexington and Portland, were in operation, the 1st under a lease from the Company to Messrs. P. Swigert & Co., the 2d under the Company's own agents. On the 26th June, Messrs. P. Swigert & Co. notified the Directors that they would, on the 1st October, surrender their lease. Afterwards, by agreement, the 1st of September was fixed upon, and the surrender made accordingly.

The Portland division continued to be worked by the Company's agents until the middle of September, when finding that this Road had been worked for the six weeks preceding at a loss, I advised with Messrs. Keats and Field, (who together with myself, were appointed by the Board a Committee, for the management of the Company's affairs at Louisville,) as to the propriety of suspending that division, or leasing it out. In fact it was ascertained that the division could no longer be worked with profit, without a reorganization of the motive power, and the establishment of an efficient agency. And as the Company neither had the means of purchasing new power, or could afford a suitable salary to a competent agent, it was resolved,-"That from and after the 14th Sept. 1840, the use of the Portland division be discontinued, and that Wm. R. McKee, President, be, and he is hereby authorized, to lease out that portion of the Road for the best price he can obtain, for a term not exceeding three years.

The undersigned accordingly leased out that division of the Road to Minor W. Redd, of Louisville, reserving a monthly rent of 166 dollars and 663 cents, to be increased to a monthly rent of 250 dollars, whenever the Company extends its Road to the lower ferry landing at Portland. The lease to commence paying rent from the 1st October.

To assess the damages done to certain property, demised to P. Swigert & Co., Chas. B Lewis was by consent appointed referee. This gentleman after close inspection of the cars, decided that P. Swigert & Co. pay the Railroad Company the sum of 2,911 dollars. Part of this has been paid, the balance will be paid when a final settlement can be had with those gentlemen.

With this fund, the horses, harness, and forage were purchased, and the Company resumed possession of the Road from Lexington to Frankfort, on the 1st September.

The Company have received from all sources, during the period commencing 1st June and ending 30th November, the sum of 18,756 dollars and 37 cents. The expenditures during the same time have been 18,142 dollars and 45½ cents. This income and outlay, may he classified as follows:

RECEIVED.

From Portland divis'n from 1st June to 14th Sept. From do do Oct. and Nov. From P. Swigert & Co. from 1st May to 31st Aug. From do damages, From old accounts, sale of materials, &c. From Lex. division from 1st Sept. to 30th Nov. From Levi Tyler,	3,553 3,399 5,092	$\begin{array}{c} 33 \\ 07 \\ 00 \\ 70\frac{1}{2} \\ 88 \end{array}$
EXPENDED.		
Portland division,	\$2,532	35
Lexington division,	2,410	45
Old debts paid,	5,003	65
General expenses, including extraordinary repairs, purchase of horses, pay of President, &c. In hands of Board of Internal Improvement,	3,196 5,000	00‡ 00 — \$18,142 45‡

Balance 1st December,

\$613 913

Comparing the receips and expenditures of the Lexington division, we find a profit of 987 dollars and 43 cents in three months. One fruitful source of income has been cut off by the unfinished condition of the Kentucky river navigation. But it is idle to attribute our meagre profits to this cause; the true cause lies deeper and must be obvious to every one. For admitting the revenue from freight to be as great as our most sanguine hopes could make, it is very much doubted if we can make a profit on this division sufficient to pay the interest on the Company's debt, leaving nothing whatever for the preservation and renewal of road and machinery. The attention paid to economy will appear from the following statement:-2 clerks receive 350 dollars each and are boarded; 2 drivers 240 dollars each and boarded; 5 ostlers 240 dollars each, they boarding themselves and others in proportion. All hired persons to make up lost time. These are the rates established by P. Swigert & Co. and certainly do not admit of reduction. The undersigned performs the duties of President, Treasurer, Agent, Superintendent and Engineer.

An unfortunate error in laying the track of this division, together with the worn out condition of the machinery, is the true cause of its failure to meet the hopes of its friends. The stone sills yielding to constant attrition, have lost that smoothness of surface which is the only peculiar advantage of an iron over a stone road; while the wheels are so worn that the flanges extend down to the ground, and as it were lift the wheels from the rail. This circumstance has been generally noticed, but attributed erroneously to the bad condition of the track. The consequence of all this is, a great increase of friction and breakage, and the loss of that speed and comfort which the traveller expects on a railroad. An idea of the increase of friction may be formed from the fact, that while on a well made railroad a car will by its weight descend a plane of 18 feet per mile, on our road it will not descend spontaneously a plane of 30 feet per mile. In other words, the friction is nearly doubled, and two horses are now necessary to do the duty

which one did when the tract was first laid.

56 37

The breakage is about 12 wheels per month, which considering the speed and distance travelled, is quadruple the breakage on a good road. It should be observed, however, that this breakage is in part attributable to the worn condition of the machinery. The loss on each wheel is about twenty dollars, or, rather, it should be said, it costs twenty dollars to re-place the wheel.

With regard to passengers, we have here witnessed the extraordinary spectacle of a line of stages competing successfully with a railroad. where else, in Europe or America, has a railroad been opened, that it did not at once and forever destroy all competition in carrying passengers.

Several expedients for repairing the road, by partially substituting wood for stone, have been tried, but found not to answer. We are, at present. to keep the road in passable order, compelled to lift the stone block and lay down a wooden stringer in lieu of it. These stringers are laid but for short distances in each place, by men who have not the requisite skill-the circumstances of the Company not admitting the employment of such as have. In consequence, we find the grade and alignment of the road interrupted wherever a stone has been lifted. The stone sills should not be lifted at all -the track should be re-laid on top of them, thereby securing what is so desirable on all railroads, an unyielding foundation; and by raising the level of the road 10 inches, improving the drainage of the road, now so imperfect.

To lay a new track over the present one, repair the large embankments, purchase two light locomotives adopted to curved roads, and renew a portion of the cars, will cost, with the materials on hand, about 85,000 dollars, and any sum short of this I would not advise the Company to spend. In fact, any thing short of a thorough repair of this division, cannot be but a waste of money. Two locomotives will be adequate to the duty of this road for many years to come-one could run while the other would be in shop for repairs if needed. The locomotives belonging to the Company are too much worn to be relied on, and will need extensive repairs before they can be used, and besides that, they are of an antiquated model, not suited for crooked roads. There is no machinist in the west competent to repair them.

It is safe to estimate the business of this division at 20,000 passengers and 10,000 tons of freight, which at the prices charged will produce a revenue of 51,000 dollars; and allowing 25,000 dollars for all expenses, there will remain an annual profit of 26,000 dollars.

The Portland division cannot be relied on for more than 3,000 dollars, and it will be necessary to expend 1,000 dollars, at least, to make it yield that amount.

I do not believe that this sum of 85,000 dollars can be raised in any other way than from the stockholders themselves. The failure to pay the interest on the loan of 150,000 dollars, has been fatal to the credit of the Company. It will be idle to ask aid of the State now, when she repeatedly refused her credit under more favorable circumstances.

[Here commences a Schedule of the property contained in the Mortgage to the State of Kentucky. The items contained in brackets have been sold.

The property of the corporation consists of a right of way, which, with the exception of four or five tracts, is secured throughout from Lexington

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to Portland; 28 miles of road from Lexington to Frankfort, in operation; 3 miles from 6th street Louisville to Portland, also in operation; 27 miles of road, in part graded, between Louisville and Frankfort; the abutments and wing walls of a bridge over Kentucky river, in part made, with a large quantity of timber, iron and stone material, delivered for the same; a quantity of stone and timber for the track between Louisville and Frankfort; [an unimproved lot in Portland, on the river bank;] eight lots at Main and 13th streets, Louisville, with the improvements thereon, consisting of an engine house, stable and car house; the depot at the corner of Main and Sixth streets; [a small tract of land of one or two acres, about four miles from Louisville; a lot on the river bank at Frankfort; several lots at the foot of the plane at Frankfort, with the office, warehouse and stable thereon; a tract of 3 or 4 acres at the head of the plane, with the engine, car, wood, stable and grocery houses thereon; the farm of 90 acres, stable, dwelling and its appurtenances, at the Ducker farm; the lots, stable, wood and dwelling houses at Midway; a stable at Yarnall's; the machine shop and its appurtenances, a six acre unimproved lot, the car, engine, and warehouses in this city, besides several small parcels of land on the line of the road, of but little value. The machinery, consisting of two locomotive engines, 4 eight-wheeled passenger cars, 10 four-wheeled do., 2 stock cars, 3 baggage cars, 37 burthen cars, 8 wood cars, 3 repair cars, 4 slides or safety cars for the plane; also a number of tools, wheels and axles, and materials in the machine shop, and engine houses, which, together with the fixed engine in the machine shop, are worth eleven or twelve thousand dollars; also 45 horses and 36 sets harness.

The timber and stone between Louisville and Frankfort cost 30,400 dollars, some of this has been lost by depredation, and a large amount sold, generally to creditors of the Company, at a price far below first cost, but considerable above its actual value. There are on hand on this part of the road about 30,000 feet of timber, much decayed, of such quality and shape, and in such situations as to be almost worthless for any purpose except the railroad track. The timber on the Lexington division cost about 14,000 dollars. The locust ties of this lot having been exposed for the three last years, are sun cracked, and being generally too small, are not valuable; the best might be worked into the track, and the remainder sold for posts. The stringers of oak and cedar are worth very little, the piles having been culled

for repairs, and by individuals on the road.

The bridge timbers and irons for the same, cost 10,000 dollars. This valuable lot of timber has been exposed to the weather since 1837, and is seriously damaged. It has also suffered from depredation, and one boat load was carried off by the freshet last spring. The span of the bridge having been reduced 150 feet, there is yet timber enough to finish it. This timber is piled at Carrolton, at a point 8 miles up the Kentucky river, and at Frankfort. That at Frankfort I have caused to be piled and covered. Nothing but the absolute destitution of means prevented me from preserving in like manner, all the perishable material of the road. The bridge irons are in store at Frankfort, in good order. There has been expended on the bridge 48,249 dollars and 68 cents, as follows: 10,100 dollars for timber and iron. Other work, principally masonry, 35,149 dollars and 68 cents. Due Stoughton for boating timber and for masonry, say 3,000 dollars. About 20,000 dollars will finish this bridge, and it is supposed it will yield a revenue of 3,000 dollars when finished.

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The total cost of all this property, including law expenses, surveys, engineering and all other expenses, except those incident to the use of the road, was about 950,000 dollars, and were it unencumbered, it would now be worth (it is believed) 600,000 dollars. This loss of 350,000 of the Company's capital, is attributable to a number of causes, of which the following are the principal, (as I believe:) 1st. A defective construction of the track from Lexington to Frankfort, which costing more than a track of wood, requires removal in less time, and increases the friction and breakage. 2d. The dissipation of the work over a large surface, during '36 and '37, instead of concentrating at Louisville or Frankfort, and finishing 20 miles of the road. 3d. The high prices paid for labor and materials, and the adoption of a wooden viaduct in lieu of an earthen embankment and culvert over Beargrass, during the same period. 4th. The high prices paid for property at Portland and Louisville, or rather the fall in property at those places since the purchase. 5th. The loss on perishable materials purchased in '36 and '37. 6th. The general deterioration of road and machinery which has not been repaid by a corresponding profit from the road. 7th. The increased expenses resulting from a change of the plan of the Kentucky river bridge: And Sth. The peculations of A. O. Newton, late Treasurer, amounting to 13,251 dollars.

The debts and liabilities of the Company, as far as I can ascertain and estimate them, are 245,000 dollars, and in the order of precedence of lien,

they stand as follows:

they stand as follows:	
Arnold, principal and interest, with lien on lot at Portland, William Mackey, principal and interest, with lien on depot at	\$11,000
Louisville, - De Wolfe's heirs, principal and interest, with lien on lots on Main	6,600
and 3d streets, Three bonds, two for 10,000 dollars each, and one for 20,000 dollars, guarantied by city of Louisville, and deposited by Mr. Tyler with the Bank of Kentucky, the Northern Bank of Kentucky, and the Board of Internal Improvement as security, for a loan, for six years, of 40,000 dollars, on which the sum of 35,000 dollars was received, and 1,250 dollars has	8,600
been re-paid, say	33,850
Bonds guarantied by the State of Kentucky, -	
Interest and exchange paid by the State on same,	150,000
Mechanics liens on depot at Louisville, (takes precedence after	18,600
Wm. Mackey's lien) say,	
Due on Ducker farm,	500
O 11 1	100
Goodloe, damages,	600
Peter Dudley, principal and interest,	1,000
—— Burden, principal and interest.	1,100
Bridgford & Ricketts, principal and interest.	1,100
L. B. Stoughton, (contractor,) say	3,000
Claims of contractors, land damages unpaid, and a number of	5,000
small accounts unpaid, say -	9,050
Total,	\$245,000

I have to say, in conclusion, that I have not been able to devise any plan by which the Company could be extricated from its present embarrassments. All of which is respectfully submitted.

WM. R. McKEE, President, Lex. & Ohio Railroad Company.

LEXINGTON, Ky., December 17, 1840.

Ordered, That the said communication be referred to the committee on Internal Improvement.

And then the Senate adjourned.

THURSDAY, JANUARY 13, 1842.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, to wit:

An act to change the place of voting in the Panther precinct, in the county of Hancock.

An act for the benefit of John M. Baker, Surveyor of Cumberland county.

An act to regulate the terms of the Jefferson Circuit Court.

That they had concurred in the adoption of preamble and resolutions from the Senate of the following titles, to wit:

Preamble and resolutions concerning the repudiation of State debts.

A resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.

A resolution to authorize the Secretary of State to deliver to the Kentucky Historical Society certain books and documents,

That they had passed bills of the following titles, to wit;

- 1. An act for the benefit of Alfred Tarlton and his securities.
- 2. An act to change the place of voting in the Westport precinct, in Oldham county.
 - 3. An act for the benefit of Polly Coffer.
 - 4. An act for the benefit of Lois Smallwood.
- 5. An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Military Affairs; the 2d to the

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committee on Privileges and Elections; the 3d and 4th to the committee on Finance, and the 5th to the committee on the Judiciary.

- 1. Mr. Clarke presented the petition of Lewis V. Wernwagg, praying for the passage of a law to remunerate him for losses in the construction of a bridge across the Kentucky river.
- 2. Mr. Burnett presented the petition of Philip Fletcher, praying for the passage of a law to allow him to enter certain fractional quarter sections of
- 3. Mr. Burnett also presented the petition of E. H. Curd, Clerk of the Calloway County Court, praying for the passage of a law releasing him from the payment of thirty dollars, charged to him on a license in the settlement with the Auditor.

Which were received and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on the Judiciary, and the 3d to the committee on Finance.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Trustees of the Methodist Episcopal Church, in Lexington.

An act for the benefit of the Methodist Episcopal Church, in the town of Newport.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Justice of the Peace and Constable to the county of Bath, and for other purposes, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading of said bill being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the second Presbyterian Church in the city of Louisville, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with, the said bill was passed over in the orders of the day.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act changing the names of James Tapp and Jane Hays, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Susannah Barnett, and to change her name, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to establish a road from the mouth of Laurel, through London, to Bates' Salt Well, in Clay county.

An act to amend the act, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Monticello school house, in Grant county.

An act to authorize the County Court of Henderson county to discontinue a street in the town of Henderson.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the Court of Assessment for the 110th Regiment of Kentucky Militia, reported the same with the opinion of the committee that it ought not to pass; and the said bill was re-committed to the committee on Military Affairs.

Mr. Jesup, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Henry Crawford, and others.

An act for the benefit of the heirs of Jesse Rubel, deceased, and others.

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Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rodes read and laid on the table the following preamble and resolutions, to wit:

Whereas, the General Government has manifested a disposition to encourage the culture of hemp by giving a preference to American water rotted hemp, for the use of the Navy: And, whereas, Kentucky is deeply interested in the production of that article, it forming one of her principal staples—therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be, and they are hereby requested, to use their best exertions to have an agency established, at some convenient point or points in this State, for the inspection of water rotted hemp, intended for the use of the Navy of the United States.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

The rule of the Senate being dispensed with, the said preamble and resolutions were taken up, twice read and adopted.

A resolution fixing a day for the election of Public Officers, read and laid on the table by Mr. Huston on the 11th instant, was taken up, twice read and adopted.

On the motion of Mr. Garth, leave was given to bring in a bill to amend the law imposing fines touching indictments and presentments on the sale of ardent spirits; and the committee on Finance was directed to prepare and bring in the same.

Mr. Loving presented the petition of Dr. A. S. Walker, praying for the passage of a law authorizing him to purchase, and bring into this State, a diseased woman slave, and her two children, residing in a border county in the State of Tennessee—which was received and referred to the committee of Propositions and Grievances.

A bill from the House of Representatives, entitled, an act to amend the several laws to suppress the practice of duelling, was read the third time, and the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Craddock and Wallace, were as follows, to wit:

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Those who voted in the affirmative, were-

Messrs. Alexander,	Hardin,	McAfee,
Bailey,	Hughes,	Pratt,
Bennett,	James,	Rodes,
Clarke,	Jesup,	Williams, S. L.
Dyer,	Johnson, B. B.	Young—17.
Hanson,	Loving,	

Those who voted in the negative, were-

Messrs. Burnett,	Johnston, G. W.	Wallace,
Craddock,	Morgan, D.	Walker, C. J.
Garth,	Palmer,	Walker, J. V.
Griffith,	Sterett,	Williams, M14.
Huston,	Sympson,	

Resolved, That the title of the said bill be as aforesaid.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

And then the Senate adjourned.

FRIDAY, JANUARY 14, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution from the Senate to place a tomb over the grave of John Adair, late Governor of Kentucky, with an amendment.

That they had passed bills of the following titles, to wit:

- 1. An act for the benefit of Richwood Presbyterian Church.
- 2. An act to change, in part, the State road in Carroll county.
- 3. An act authorizing a special chancery term in the county of Campbell.
- 4. An act for the benefit of William W. Bell.
- 5. An act for the benefit of William H. Bransford.

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6. An act to amend the charter of the Louisville and Portland Canal Company.

7. An act to authorize the Hopkins County Court to lay the levy for said county at the May term thereof.

8. An act for the benefit of the late Sheriff of Pulaski county.

9. An act for the benefit of James Porter.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 3d, 5th, 6th, 7th and 9th were referred to the committee on the Judiciary; the 2d and 4th to the committee on Internal Improvement, and the 8th to the committee on Finance.

The Speaker laid before the Senate the annual report of the Committee of the Deaf and Dumb Asylum at Danville, which is as follows, viz:

To the Hon. the Senate and House of

Representatives of the Commonwealth of Kentucky.

The undersigned, committee of the Deaf and Dumb Asylum, respectfully

report:

That this Institution is doing well. There has been no change in the teachers, and we feel confident that, as regards instruction and proper treatment, it may, with propriety, be classed with the best of its kind in the U. States. The number of pupils are fifteen supported by the State, and eight who are supported by parents and friends. During the past year they have enjoyed remarkably good health, owing, as we believe, under Providence, to the care and attention of the Superintendent and Matron.

We stated, in our last report, that about 4,000 acres of land, belonging to the Asylum, in Florida, remained unsold. We are not advised of any sales since then. Our late Agent, Col. R. C. Allen, died a few months ago, and Henry C. Washington, Esq. Receiver of Public Money at Tallahassee, has been appointed in his stead. This gentleman was highly recommended as a suitable Agent. The death of Col. Allen, and the consequent suspension of the business of the Asylum, in which he was engaged, rendered it necessary to apply to Congress for a further extension of time to locate and sell lands. Measures have been taken to have a settlement of his accounts, which, we trust, will be arranged satisfactorily. It is believed that the bonds in the hands of our Agent, with the proceeds of the lands unsold, should produce a sum exceeding fifty thousand dollars; but the condition of that country, and particularly its currency, induces a belief that it will be some years before the business of the Asylum can be brought to a close.

The Treasurer's report and a list of the pupils is enclosed.

OFFICERS OF THE INSTITUTION.

John A. Jacobs, Principal Teacher; Wm. D. Kerr, Assistant Teacher; Dr. John Todd, Attending Physician; J. Barbour, Treasurer; J. A. Jacobs and Lady, Superintendent and Matron.

Should it be the pleasure of the Legislature to examine the Institution by a committee, or to see some of the pupils at Frankfort, the Trustees will take pleasure in complying with their wishes.

JOHN TODD, J. BARBOUR. | Committee.

Danville, January 12th, 1842.

James Barbou 1842,	In account with Deaf	and Dumb As	ylum. Dr.
January 1st.	Amount of individual notes on han	d,	\$3,463 68
- 1	Amount of Florida notes on hand, dune next, Cash of State Treasury in last year	de in May an	d - [6,240 00 - 1,854 99
			\$11,558 67
Cash paid for Do	board, (1841,) Jacobs for salary, Kerr for salary, Secretary and Treasurer for salary Advertising, Insurance, Plank for repairs, Fuel for 1840-41, Contingent expenses, Physician's bill,	Cr \$1545 30 - 900 00 - 900 00 - 75 00 - 6 00 - 36 00 - 27 57 - 71 06 - 31 13 - 4 00	
			\$7,962 61

A list of Pupils in the Kentucky Asylum for the Deaf and Dumb, 1842.

NAMES.	RESIDENCE.	AGE.
John Dickson, John P. C. Porter, *Michael Harrell, *James George, *Caroline Orr, - *Mary Jane Campbell, Mary Ellen Orchard,	East Feliciana Par. Louisiana, Ohio county, Kentucky, Grayson county, Kentucky, Garrard county, Kentucky, Garrard county, Kentucky, Logan county, Kentucky, Bloomington, Indiana,	17 22 22 14 27 12 12
Mary Ann Adams, *Maston Gore,	Mercer county, Kentucky, - Caldwell county, Kentucky, -	21 13

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A list of Pupils-Continued.

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NAMES.		RESIDENCE	AG
	- 4		
*Lucy J. Fitspatrick, Elizabeth Noel, *Elizabeth Orr, *Samuel Harris, Henry Waggoner, *Rebecca Proctor, *John Thomas Proctor, *Joseph L. Edmiston, *Elizabeth Adams, *Elizabeth Ray, *Malinda Webb, *William J. Layne,		Adair county, Kentucky, Anderson county, Ten., Garrard county, Kentucky, Grayson county, Kentucky, Christian county, Kentucky, Logan county, Kentucky, Logan county, Kentucky, Mercer county, Kentucky, Rockcastle county, Kentucky, Nelson county, Kentucky, Louisville, Kentucky, Garrard county, Kentucky,	- 18 - 12 - 23 - 13 - 13 - 24 - 19
Emily Johnson, William A. Whitley,		Cape Girardeau, Missouri, Lincoln county, Kentucky,	- 14

Note-Those marked with an asterisk are State pupils.

1. Mr. Pratt presented the petition of Henry O. Brown, praying for the passage of a law to release him from the penalty of a bond executed to the Commonwealth for certain public arms.

2. Mr. Dyer presented the petition of Isaac Vanmeter's executors, praying for the passage of a law giving them authority to convey certain lands.

3. Mr. Loving presented the memorial of sundry citizens of Warren county, praying the Legislature to instruct our Senators in Congress, and request our Representatives, to vote for a repeal of the Bankrupt law.

4. Mr. Palmer presented the petition of Mrs. Ann B. Rudd, widow and executrix of her deceased husband, praying for the passage of a law authorizing her to sell certain lands belonging to said estate.

Which were received and referred: the 1st to the committee on Military Affairs; the 2d and 4th to the committee on the Judiciary, and the 3d to the committee on Federal Relations.

Mr. Hanson, from the committee on the Judiciary, reported a bill for the benefit of Wilson M. Taylor's heirs.

And a bill for the benefit of William B. Dunlap.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, reported a bill further to regulate proceedings in civil actions—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Hanson, from the same committee, reported a bill to allow Jonathan Davidson a change of venue—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-

said.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred, a bill from the House of Representatives, entitled, an act to reduce the number of Justices of the Peace in Greenup county, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act to change the place of voting in the Westport precinct, in Old-

An act to establish an election precinct in the county of Morgan, and for other purposes.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, reported the following bills, to wit:

- 1. A bill for the benefit of George M. Lambert.
- 2. A bill for the benefit of Anderson Wade.
- 3. A bill to amend the several acts concerning divorces.

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Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 3d bill was re-committed to the committee on Religion, and the 1st and 2d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rodes, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce and change of name of Elizabeth Ware, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Rodes, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Allen Moody, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Lois Smallwood.

An act for the benefit of Polly Coffer.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the revenue laws, reported the same with an amendment, which was disagreed to. The said bill was then amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred the petition of E. H. Curd, Clerk of the Calloway County Court, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Bailey, from the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act to regulate the terms of the Jefferson Circuit Court.

An act for the benefit of John M. Baker, Surveyor of Cumberland county.

An act to change the place of voting in the Panther precinct, in the county of Hancock.

Preamble and resolutions concerning the repudiation of State debts.

Resolutions concerning the soldiers of the Revolution.

A resolution to authorize the Secretary of State to deliver to the Kentucky Historical Society certain books and documents.

A resolution to appoint a committee to examine Transylvania University

and the Lunatic Asylum.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee were directed to lay the said bills before the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

Messrs. Griffith and Jesup were appointed a committee, on the part of the

Senate, to visit Transylvania University and the Lunatic Asylum.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to legalize the elections of certain school districts in Caldwell county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from the same committee, reported a bill to amend the several laws establishing common schools—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on Education, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Jesup, from the committee on Military affairs, to whom was referred bills from the House of Representatives of the following titles, to wit:

1. An act for the benefit of Samuel D. Hawke, and others.

2. An for the benefit of Alfred Tarlton, and his securities.

Reported the same without amendment.

The 2d bill was placed in the orders of the day, and the 1st was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Garth—1. A bill to amend the law concerning the jurisdiction of Magistrates for sums under an appeal.

Also-2. A bill for the releaf of Hiram Hall, Sheriff of Wayne county.

On the motion of Mr. Bennett—3. A bill authorizing the Second Baptist Church in the city of Covington to convey to John S. Bush a lot of ground in said city.

On the motion of Mr. G. W. Johnston—4. A bill authorizing affidavits, made before Justices of the Peace in other States and Territories, to be read and used in the courts of this State.

On the motion of Mr. Huston—5. A bill to amend the election laws of this Commonwealth.

On the motion of Mr. Hardin—6. A bill to regulate the practice upon indictments and presentments for misdemeanors.

Messrs. Garth, James and S. L. Williams were appointed a committee to prepare and bring in the 1st and 2d, and the committee on the Judiciary was directed to prepare and bring in the 3d, 4th, 5th and 6th.

Mr. Griffith, from a select committee, reported a bill authorizing the tax in certain cases to be paid, in part, on non-resident lands, entered with the Auditor—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was committed to the committee on the Judiciary.

The amendment proposed by the House of Representatives to a resolution from the Senate, to place a tomb over the grave of John Adair, late Governor of Kentucky, was twice read and concurred in.

Mr. McAfee read and laid on the table the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it would not be advisable for the State of Kentucky to become a purchaser of the Lexington, Frankfort and Louisville Railroad.

The rule of the Senate being dispensed with, the said resolution was taken up and twice read.

Mr. Craddock moved to amend the same so as to postpone the sale of said road.

Mr. Hanson moved to lay the said resolution and amendment on the table. The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Hughes, were as follows, viz:

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Those who voted in the affirmative, were-

Messrs. Alexander, Bailey, Bennett, Clarke, Dyer, Hanson.	Huston, Jesup, Johnson, B. B. Loving, Morgan, D. Palmer,	Rodes, Slaughter, Sympson, Wallace, Walker, C. J. Williams, S. L.
Hanson, Hardin,	Palmer, Pratt,	Williams, S. L. Young—22.

Those who voted in the negative, were-

Messrs. Burnett, Craddock, Garth,	Griffith, James, McAfee.	Sterett, Walker, J. V. Williams, M—9.
Gartii,	Trichico,	

And then the Senate adjourned.

Hughes,

SATURDAY, JANUARY 15, 1842.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, to wit:

An act for the benefit of Susannah Watts.

An act to change the place of voting in the Green Spring precinct in Green county.

With an amendment to the last bill.

That they had passed bills of the following titles, to wit:

- 1. An act for the benefit of Jane Myers.
- 2. An act to incorporate the Trustees of the Lancaster Presbyterian Church.
 - 3. An act for the divorce of William M. Miller.
 - 4. An act for the divorce and change of name of Lawra Maria Haydon.
 - 5. An act for the divorce of Lucinda Clore.
 - 6. An act for the divorce of Jerusha Foster.
 - 7. An act for the benefit of John Carlisle, late Sheriff of Campbell county.
 - 8. An act for the benefit of the Sheriff of Clay county.
 - 9. An act for the benefit of the Sheriff of Green county.
- 10 An act to amend an act supplemental to an act, entitled, an act to improve the navigation of Nolin, approved February 20th, 1835.
 - 11. An act for the benefit of the Lexington Grenadiers.

12. An act for the benefit of Coleman Graves.

13. An act for the benefit of Henry Smith, and others.

14. An act to establish the county of Crittenden, and for other purposes.

15. An act for the benefit of George E. Blackburn.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 2d were referred to the committee on the Judiciary; the 3d, 4th, 5th and 6th to the committee on Religion; the 7th, 8th and 9th to the committee on Finance; the 10th to the committee on Internal Improvement; the 11th, 12th and 13th to the committee on Military Affairs; the 14th to the committee on Propositions and Grievances, and the 15th was ordered to be read a third time.

The constitutional rule as to the third reading of the 15th bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Pirtle presented the memorial of the President and Directors of the Bank of Kentucky, relative to the spurious stock of said Bank, issued by the Schuylkill Bank, which was received and referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies of said memorial, for the use of the General Assembly.

1. Mr. Pirtle presented the petition of William Dalton, praying for the passage of a law granting him a change of venue.

2. Mr. Johnston presented the remonstrance of Benjamin Adman, against the passage of a law divorcing from him his wife, Elizabeth Adman.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Religion.

Mr. Hanson, from the committee on the Judiciary, to whom was referred the petition of Isaac Vanmeter's executors, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Which was concurred in.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of William H. Bransford, to them referred, and the said bill was referred to the committee on Propositions and Grievances.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act authorizing a special chancery term in the county of Campbell, reported the same with an amendment, which was concurred in.

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Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to authorize the Hopkins County Court to lay the levy for said county at the May term thereof.

An act for the benefit of Richwood Presbyterian Church.

An act for the benefit of James W. Porter.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Louisville and Portland Canal Company, reported the same with an amendment, which was concurred in, and the said bill was re-committed to the committee on the Judiciary.

Mr. Hanson, from the same committee, reported a bill for the benefit of John S. Bush—which was read the first time, and ordered to be read a

second time.

The constitutional rule as to the second reading being dispensed with, the

said bill was ordered to be engrossed and read a third time.

Mr. Wallace, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Benjamin W. Graves.

An act for the benefit of William W. Bell.

Reported the same with the opinion of the committee that they ought not

The question being taken on reading the said bills a third time, it was de-

cided in the negative, and so the said bills were disagreed to.

On the motion of Mr. Wallace, the committee on Internal improvement was discharged from the duty of preparing and bringing in a bill for the benefit of Zachariah White.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the late Sheriff of Pulaski county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Jesup, from the committee on Military Affiairs, reported a bill for the benefit of Henry O. Brown, and others—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Rodes—1. A bill to amend the law in relation to the crime of arson, when committed by slaves.

On the motion of Mr. S. L. Williams—2. A bill to make Louisa Warder a legal heir of Willis Roberts, and to change her name.

On the motion of Mr. Craddock—3. A bill more effectually to suppress mobs in this Commonwealth.

On the motion of Mr. Wallace—4. A bill to amend the Militia Law of this State.

On the motion of Mr. Pirtle—5. A bill to regulate the licensing of Attorneys and Counsellors at law.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d, 3d and 5th, and the committee on Military Affairs the 4th.

Mr. Pirtle presented the memorial of sundry citizens of the city of Louisville, praying that the laws of 1827 and 1828, authorizing and regulating inspections of salt, may be amended—which was received and referred to the committee on Agriculture.

A bill from the House of Representatives, entitled, an act for the benefit of the second Presbyterian Church in Louisville, was re-committed to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act for the benefit of Alfred Tarlton, and his securities, was taken up.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration, preamble and resolutions in relation to the Bankrupt law, and the law distributing the proceeds of the sales

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reeneof the public lands, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

Mr. Alexander, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of George E. Blackburn.

An act for the benefit of Alfred Tarlton, and his securities.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

And then the Senate adjourned.

MONDAY, JANUARY 17, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act allowing an additional Justice of the Peace and Constable to the county of Bath, and for other purposes.

An act to reduce the number of Justices of the Peace in Greenup county,

An act to amend the revenue laws.

That they had passed bills from the Senate of the following titles, viz:

An act to extend the terms of the Nicholas Circuit Court, and change the May and November terms of the Estill Circuit Court.

An act for the benefit of Charles P. Howard, and others.

With an amendment to the last named bill.

That they had concurred in the adoption of a resolution from the Senate fixing a day for the election of Public Officers.

That they had passed bills of the following titles, to wit:

- 1. An act to amend the several laws appropriating the vacant lands to the counties in which they lie.
 - 2. An act to amend the law concerning attachments.

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- 3. An act for the benefit of Coonrod Havens.
- 4. An act for the benefit of Thomas T. Johnson.
- 5. An act for the benefit of Edward W. Dowden.
- 6. An act declaring the office of Constable and county Surveyor, incompatible, and for other purposes.
 - 7. An act to regulate the terms of the Bath Circuit Court.
- 8. An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 6th, 7th and 8th were referred to the committee on the Judiciary, and the 3d, 4th and 5th to the committee on Finance.

The Speaker laid before the Senate the annual report of the President and Directors of the Louisville and Portland Canal Company, which is as follows, to wit:

Seventeenth Annual report of the President and Directors of the Louisville and Portland Canal Company.

By the reports of the Board for the year 1839 and 1840, it was shown that the sum of \$32,261 18, had been expended towards the completion of the Canal, and that during the past year the further sum of \$5,832 10, has been expended for the same object, making the sum of \$38,093 22, for which new stock was authorized to be sold. But, in consideration of the impolicy of increasing the stock to an indefinite amount, the Board have determined that it is for the best interest of the stockholders to limit, for the present, the number of shares to 10,000. Thus making the capital stock of the Company one million of dollars, and to appropriate the necessary amount for the final completion of the Canal from the receipts of toll. They have, therefore, sold 217 shares of stock to make up the number to 10,000.

The general account of the Company for the year ending December 31, 1841, is as follows:

Louisville and Portland Canal Company in General Account.

DEBITS.

Balance of cash in the Treasury, January 1st, 1841,	-	\$68,641 78
Received for canal tolls in 1841,		113,944 59
Received for re-payments, rents, and for stone,	4	313 55
Received for 217 shares of stock sold,	-	24,955 00
the state of brook sold,		24,555 00

\$207,854 92

CREDITS.

Paid balance of dividend No. 13,				\$23,216 00
Paid balance of dividend No. 14,	7			14,510 00
Paid on account of dividend No. 15,	-			48,167 00
Paid on account of dividend No. 16,	-	-		40,000 00
Paid superintendence, labor on locks, re	pairs, li	ighting.	remov-	

raid on account of dividend No. 10,			10,000	00
Paid superintendence, labor on locks, repairs, ligh	iting, re	emov-		
ing deposits of mud, and other expenses on	Canal,		14,379	68
Paid on account of completing Canal, -	_		5,832	10
Paid John Rowan, verdict for basin, &c,	-	π	5,000	00
Paid incidental expenses and law charges,			2,310	00
Balance of cash in the Treasury.	-	-	54,440	14

\$207,854 92

The balance of cash on hand, will warrant the payment of a final dividend of five per cent., which, with the partial dividend of four per cent., in

July, will make the dividend for the year, nine per cent. The receipts of tolls on this Canal, depending mainly on the state of the water in the Ohio, which is affected by the weather, it will at once be seen, that the amounts received must depend on the seasons, and are as varient. The past year has been one of unexampled uniform high water, without any extraordinary floods, the river during the best months for business, both in the spring and autumn, having been high enough to permit the free passage of the falls for most of the boats that usually pass through the Canal, during fifteen weeks of the year. Another such season can hardly be anticipated; still, with this unusual circumstance to lessen the amount of tolls, the stockholders may congratulate themselves in receiving a dividend of nine per cent. for the year.

The Canal is now in good condition for business, and but a small amount will be required to complete the work, on the plan heretofore adopted.

Respectfully submitted, JAMES MARSHALL, Pres't.

Office of the Louisville and Portland Canal Co. Dec. 31, 1841. S. S. GOODWIN, Secretary.

Abstract of the Boats that have passed, and Tolls received on the Louisville

		and Portland Can		
Years.	Steam Boats.	Flat and Keel Boats.	Tons.	Amount received.
1831	406	421	76,323	\$12,750 77
1832	453	179	70,109	25,765 12
1833	875	710	169,885	60,736 92
1834	938	623	162,000	61,848 17
1835	1.256	355	200,414	80,165 24
1836	1.182	260	182,220	88,343 23
1837	1,501	165	242,374	145,424 69
1838	1.058	438	201,750	121,107 16
1839	1,666	578	300,406	180,364 01
1840	1,231	392	224,841	134,904 55
1841	1,031	309	189,907	113,944 59
	11.597	4.430	2,020,448	\$1,025,345 45

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At a meeting of the stockholders of the Louisville and Portland Canal Company, at their office in the city of Louisville, January 3d, 1842, the report of the President and Directors was received and ordered to be printed.

The following persons were then duly elected President and Directors for

the present year:

JAMES MARSHALL, President,
SIMEON S. GOODWIN,
JOHN HULME,
RICHARD RONALDSON,
ELIHU CHAUNCEY,

Directors.

Resolved, That the Board of President and Directors make and pay out to the stockholders, a final dividend of five dollars per share for the last six months on the whole number of shares standing on the books of the Company, December 31st, 1841, to be paid to the persons in whose name the stock stood on that day, in bank notes, current in the city of Louisville, making the dividend for the year nine per cent.

[Extract from the Minutes.]

JAS. MARSHALL, Chairman.

S. S. GOODWIN, Secretary.

Mr. Pirtle presented the petition of the members of the Mercantile Library Association of Louisville, praying for the passage of an act of incorporation—which was received and referred to the committee on the Judiciary.

Mr. Hanson, from the committee on the Judiciary, reported the following bills, to wit:

A bill for the benefit of Mary Hall, and her children.

A bill allowing William Dalton a change of venue.

A bill to establish a Library Association at Louisville.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill authorizing the tax in certain cases to be paid, in part, on non-resident lands entered with the Anditor, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read, an act concerning the payment of taxes on non-resident lands, and for other purposes.

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Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Louisville and Portland Canal Company, reported the same without further amendment.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the second Presbyterian Church in Louisville, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Lexington Grenadiers, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Huston—1. A bill to strike Spencer county from the ninth Judicial District, and add it to the fifth Judicial District.

On the motion of Mr. Alexander—2. A bill for the benefit of the Sheriff of Cumberland county.

On the motion of Mr. Garth—3. A bill to appoint Commissioners to wind up the concerns of the Independent Farmer's Bank of Somerset.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Finance the 2d, and Messrs. Garth, M. Williams and James were appointed a committee to prepare and bring in the 3d.

On the motion of Mr. Wallace, the vote of disagreement by the Senate to a bill from the House of Representatives, entitled, an act for the benefit of William W. Bell, was re-considered.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-

On the motion of Mr. Griffith,

Resolved, That the Board of Internal Improvement be requested to report to the Senate, the present condition and probable value of the water

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power, owned by the State, at the several locks and dams on Green river; showing to whom grants of water power have been sold, and the amount of annual rent secured to be paid; and stating their opinion whether any legislation be necessary for the protection or sale of the sites and water power now owned by the State.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills and resolutions which originated in the Senate of the following titles, viz:

An act for the benefit of Isaac W. Walker, and others.

Approved January 8, 1842.

An act to change the place of voting in the Panther precinct, in the county of Hancock.

An act for the benefit of John M. Baker, Surveyor of Cumberland county. An act to regulate the terms of the Jefferson Circuit Court.

Approved January 14, 1842.

Preamble and resolutions concerning the repudiation of State debts.

Resolutions concerning the soldiers of the Revolution.

A resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.

A resolution to authorize the Secretary of State to deliver to the Kentucky Historical Society certain books and documents.

Approved January 14, 1842.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act to change the place of voting in the Green Spring precinct in Green county.

An act for the benefit of Charles P. Howard, and others.

Engrossed bills of the following titles, were severally read the third time, to wit:

An act to change the July and October terms of the Marion Circuit Court.

An act to authorize and enable the city of Louisville to erect water works.

An act for the benefit of John S. Bush.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

- 1. A bill more effectually to protect the right of suffrage.
- 2. A bill concerning bills of exchange.

Were severally ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

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The Speaker laid before the Senate the following communication from the Secretary of State, viz:

Office of the Secretary of State, January 17, 1842.

SIR:

Pursuant to the act of the 1st of March, 1836, entitled, "an act concerning the Treasurer's and Auditor's office," I have the honor to transmit, herewith, the following reports: 1st, from Ben. Selby, Auditor, for August and September, 1840, and to the 10th of October, 1840—from the 10th to the 31st October, 1840, and December, 1840, and from the 1st January, 1841, to the 31st of December, 1841, inclusive. 2d, from Thomas S. Page, Second Auditor, from the 10th of October, 1840, to the 31st of December, 1841, inclusive. 3d, from James Davidson, Treasurer, from the 1st of January, 1841, to 30th November, 1841, inclusive; August, 1840, and from the 1st to the 10th October, 1840.

I have the honor to be,

Very respectfully,

Your ob't serv't,

J. HARLAN,

Secretary of State.

Hon. M. V. Thomson, Speaker of the Senate.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, again had under consideration, preamble and resolutions in relation to the Bankrupt law, and the law distributing the proceeds of the sales of the public lands, and had made further progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

And then the Senate adjourned.

TUESDAY, JANUARY 18, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to wit:

An act for the benefit of William Stanhope.

An act to allow additional Justices of the Peace to Wayne and Owen counties.

Approved January 8, 1842.

An act for the benefit of George E. Blackburn.

An act for the benefit of Alfred Tarlton, and his securities.

Approved January 15, 1842.

The Speaker laid before the Senate the annual report of the President of the Bank of the Commonwealth, which is as follows, viz:

Commonwealth's Bank Office, January 17th, 1842.

SIR:

I have the honor, herewith, to communicate to the General Assembly, a statement of the condition of the Bank of the Commonwealth of Kentucky. The annexed balance sheet exhibits the nominal resources and liabilities of the institution on the 31st day of December, 1841. Since which time there has been redeemed and cancelled by burning of notes payable, \$289 12 cents, thereby leaving still in circulation of notes unredeemed, the sum of \$1,582 16 cents.

Owing to the unprecedented embarrassment in the monetary affairs of the country, aided by the slow and contested progress of litigation, I have not received that prompt action on the part of the debtors and Attorneys of the Bank, in the collection and payment of her debts, that I had cause to antici-

pate at the time of my last annual report.

Since the business of the institution has been confided to my charge, every exertion has been made to ascertain the true condition of its resources and liabilities; and from the best information I have obtained, the Commissioners of the Sinking Fund will yet realize the sum of \$15,000—and should the termination of some pending suits prove favorable to the Bank, the additional sum of \$15,000.

Thus it will be seen that almost the entire resources of the institution are in contested litigation, and in many cases every shift and device, known in legal proceedings, have been resorted to by debtors, to hinder, delay and

prevent collections on the part of the Bank.

With great respect,

O. G. CATES, President.

Hon. Manlius V. Thomson, Speaker of the Senate.

LIABILITIES.

Stock,	-		-	-	1		\$348,729	88
Notes payable,	-			-	-		1,871	
Interest,	-		-	- 1		-	4,154	
Individual deposit	tors, ur	applied,		-	-		6,396	45

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RESOURCES.

Bills receivable,		-	-			\$240,517 26
Real estate, -	-	-	- 500	-		24,739 97
Treasurer for Commi	ssioners o	f the Si	nking	Fund.		7,675 00
A. Waggoner's admi			-			162 10
Delinquent Cashiers,						29,989 32
Attorneys, -						7,195 76
Sheriff of Jefferson c						50 00
Farmers' Bank of Ha						1,671 94
Kentucky Exporting						507 00
ixentucky Exporting		,				
		-	-	-		708 63
Turnpike stock,	-	-	-	-	-	908 00
State Bonds, -	-	-	- 110		-	2,600 00
Profit and loss,	_				10 4 B. W L.	42,450 03
Expenses, -						1,875 34
Cash on hand,	-	210	-		-	101 53
			1			\$361,151 88

1. Mr. Pirtle presented the petition of sundry citizens engaged in the navigation of the Ohio and Mississippi rivers, praying to be incorporated as an Insurance Company.

2. Mr. B. B. Johnston presented the petition of Simeon E. Carroll, praying to be divorced from his wife, Mahala.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Religion.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to regulate the terms of the Bath Circuit Court.

An act to amend the several laws appropriating the vacant lands to the counties in which they lie.

An act declaring the office of Constable and County Surveyor incompatible, and for other purposes.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jane Myers, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill further to regulate proceedings in civil actions, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, reported a bill for the benefit of Louisa Warder.

Mr. Pirtle, from the same committee, reported a bill to change the terms of the Jefferson Circuit Court, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred the preamble and resolution in relation to the Senatorial election in the second Senatorial District, reported the same with an amendment, which was amended and concurred in. The said preamble and resolution, as amended, were adopted, and are as follows, to wit:

Whereas, the people of the second Senatorial District, composed of the counties of Caldwell, Livingston and Union, failed, at the last August election, to elect a Senator for said district—

Resolved, That a writ of election issue, directing an election to be holden in the several counties composing said district, commencing on the 31st day of January, 1842.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill to amend the execution laws of this Commonwealth.

Mr. Rodes, from the committee on Religion, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act for the divorce of William M. Miller.

An act for the divorce and change of name of Laura Maria Haydon.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Young, from the same committee, to whom was referred a bill from

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the House of Representatives, entitled, an act for the divorce of Lucinda Clore, reported the same without amendment.

Ordered. That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the same committee, to whom was referred a bill to amend the several acts concerning divorces, reported the same with an amendment, and the said bill, and amendment, were committed to the committee on the Judiciary.

Mr. Wallace, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to change, in part, the State road in Carroll county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Clay county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of John Carlisle, late Sheriff of Campbell county.

An act for the benefit of the Sheriff of Green county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Coonrod Havens, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

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Mr. G. W. Johnston, from the same committee to whom was referred bills from the House of Representatives of the following titles, to wit:

An act for the benefit of Thomas Y. Johnson.

An act for the benefit of Edward W. Dowden.

Reported the same with amendments, which were disagreed to-

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Alexander, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act to authorize the Hopkins County Court to lay the levy for said county at the May term thereof.

An act for the benefit of James W. Porter.

An act to reduce the number of Justices of the Peace in Greenup county.

An act for the benefit of the late Sheriff of Pulaski county.

An act for the benefit of Richwood Presbyterian Church.

An act allowing an additional Justice of the Peace and Constable to the county of Bath, and for other purposes.

An act to amend the revenue laws.

An act for the benefit of Nancy Sears.

An act to legalize the proceedings of the Trustees of the town of Poplar Plains, in the county of Fleming.

An act for the divorce and change of name of Elizabeth Ware.

An act to legalize the elections of certain school districts in Caldwell county.

An act to change the place of voting in the Westport precinct, in Oldham county.

An act for the benefit of Samuel D. Hawke, and others.

An act for the benefit of Polly Coffer.

An act for the benefit of Lois Smallwood.

An act to amend the several laws to suppress the practice of duelling.

An act to establish an election precinct in the county of Morgan, and for other purposes.

An act for the benefit of the Methodist Episcopal Church, in the town of Newport.

An act for the benefit of the heirs of Jesse Rubel, deceased, and others.

An act to amend the act, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Monticello school house, in Grant county.

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An act to authorize the County Court of Henderson county to discontinue a street in the town of Henderson.

An act to authorize the Trustees of Princeton Seminary to rent out the property.

An act for the benefit of the Somerset Academy.

An act for the benefit of the Clerk of the Whitley Circuit Court.

An act for the benefit of Elizabeth Taylor.

An act for the benefit of Matthew Cook.

An act authorizing the County Courts of Wayne, Russell and Hickman, to appoint overseers of the poor without building poor houses.

An act for the benefit of Harry I. Bodley and James C. Rodes.

An act for the benefit of Mary Ann and Basil B. Mason.

An act to change the place of voting in the Big Hill precinct, in Madison county.

An act to establish an election precinct in the town of Steamport, in the county of Henderson, and to change the place of voting in another.

An act for the benefit of David Mathis.

An act for the benefit of Presley M. Hoskins.

An act for the benefit of Henry Payne.

An act to establish a road from some convenient point on the Green river turnpike road, to the Edmonson county line, in a direction to the Mammoth Cave.

An act for the benefit of the Trustees of the Methodist Episcopal Church,

in Lexington.

An act to establish a road from the mouth of Laurel, through London, to Bates' Salt Well, in Clay county.

An act for the benefit of Henry Crawford, and others.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

An act changing the names of James Tapp and Jane Hays.

An act for the divorce of Susannah Barnett, and to change her name.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Hanson having obtained leave, reported a bill concerning the revenue of 1842—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was committed to the committee on the Judiciary.

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On the motion of Mr. Rodes, leave was given to bring in a bill for the benefit of Oscar Turner, and the committee on the Judiciary was directed to prepare and bring in the same.

1. Mr. Pratt presented the petition of Frederick Metts, praying for a divorce from his wife.

2. Mr. Pirtle presented the remonstrance of sunday citizens of Livingston county against a division of said county.

Which were received and referred: the 1st to the committee on Religion, and the 2d to the committee on Propositions and Grievances.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, again had under consideration, preamble and resolutions in relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands, and had gone through the same, and made an amendment thereto, which he handed in at the Clerk's table.

The said preamble and resolutions, from the House of Representatives, are as follows, viz:

WHEREAS, The Legislature of Kentucky, while they are sensible of the many excellent reasons existing in favor of a well organized system of bankruptcy in a nation so commercial as ours, and are, therefore, unwilling to express an opinion condemnatory of the feeling and principle which prompted the enactment of the Bankrupt Law at the late extra session of Congress, they believe that that law contains features which are seriously objectionable to a large majority of the people of Kentucky, and would, in its operation, produce results injurious to the best interests of the State. The act providing for the distribution of the proceeds of the sale of the public lands among the several States and Territories, is believed to be the offspring of a policy wise and beneficent, and having its foundation in the strictest principles of justice. A portion of the public domain was acquired at the price of the best blood and common treasure of the nation; another portion was ceded to the United States by individual States, which had claims to it "as a common fund for the use and benefit of all the States;" and now, when it is so manifestly the true policy of the General Government to exercise its constitutional power to lay duties upon foreign imports, at least to an amount equal to the wants of the Treasury, and when, by the mistaken policy of the General Government and their own unguarded legislation, many of the States are deeply involved in debt, and their citizens suffering under the combined evils of a deranged and depreciated currency, low prices for the products of their labour, and heavy and grievous taxation, the application of this "common fund," to "the use and benefit of all the States," is deemed peculiarly appropriate and well-timedwherefore,

1st. Resolved, That in the opinion of the General Assembly of the Commonwealth of Kentucky, it is the desire of a large majority of the people of Ken-

tucky, that the Bankrupt Law, enacted at the late extra session of Congress, shall be repealed.

- 2d. Resolved, further, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to use their influence to have said law repealed.
- 3d. Resolved, further, That this General Assembly deems the act passed at the late extra session of Congress, distributing the proceeds of the sales of the public lands among the several States, justified by every consideration of sound policy and public justice, and views, with the deepest concern, any attempt to obtain its repeal, and thus disappoint the just expectations of the American people.

4th. Resolved, further, That the Governor be, and he is hereby requested, to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

The amendment reported from the committee, proposes the following as a substitute therefor, viz:

WHEREAS, sundry of the good citizens of this Commonwealth have petitioned this General Assembly to instruct the Senators and request the Representatives of Kentucky, in the Congress of the United States, to vote for the repeal of the Bankrupt Law, passed at the late extra session of said Congress; and this General Assembly is of opinion that a majority of the people of Kentucky do desire either an unconditional repeal of said law, or such a modification of its provisions as will free it from its retrospective operation: And, whereas, this General Assembly has the most indubitable evidence that a large majority of the people of this State, regard the act of Congress, passed at the same session, for the distribution of the proceeds of sales of the public lands among the several States, as a measure not only of sound policy and strict justice to the States themselves, but as a measure of the highest importance to their credit and future prosperity; and that the people of Kentucky would look, with deep concern, on any attempt to repeal said last mentioned law, regarding it, as they do, as one of the wisest and most beneficient measures ever enacted by Congress-wherefore,

- 1st. Resolved by the General Assembly of the Commonwealth of Kentucky, That it is the desire of a majority of the people of Kentucky, that the Bankrupt Law, passed at the late extra session of Congress, shall be repealed, or so modified as to free it from its retrospective operations; and that our Senators and Representatives in Congress be requested to use their influence to obtain such repeal or modification.
- 2d. Resolved, That the people of Kentucky, as well as this General Assembly, regard the act of Congress, passed at its late extra session, providing for the distribution of the proceeds of the public lands among the several States, as founded in justice and sustained by every consideration of sound policy; and that they would look, with the deepest concern, upon any attempt to obtain its repeal, and thus disappoint the just expectations of the American people.
- 3d. Resolved, further, That the people of this Commonwealth, as well as this General Assembly, regard the continuance in force of the Land Distri-

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bution Law, as of far greater importance than the repeal of the Bankrupt

4th. Resolved, further, That the Governor be, and he is hereby requested, to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Mr. Burnett moved to amend the said amendment by striking out all the preamble which relates to the proceeds of the sales of the public lands, and, also, the second and third resolutions.

Mr. Pirtle called for a division of the question.

The question being taken on striking out the second resolution of the amendment, it was decided in the negative.

The year and nays being required thereon by Messrs. Burnett and S. L. Williams, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Burnett, Garth, James,

Johnson, B. B. McAfee,

Pratt. Wallace-7.

Those who voted in the negative, were-

Messrs. Alexander.

Bailey, Bennett, Clarke, Craddock, Dyer, Hanson, Hardin.

Huston, Johnston, G. W. Loving,

Morgan, D. Pirtle, Rodes, Slaughter,

Sterett, Sympson,

Walker, C. J. Walker, J. V. Williams, M. Williams, S. L. Young—22.

The question was then taken on striking out the third resolution, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and M. Williams, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett, Garth,

James, Johnson, B. B. Johnston, G. W. McAfee.

Sterett. Wallace, Pirtle, Walker, C. J .-- 11. Pratt,

Those who voted in the negative, were-

Messrs. Alexander,

Bailey, Bennett, Clarke, Craddock, Dyer,

Hanson, Hardin, Huston, Loving, Morgan, D. Rodes,

Slaughter, Sympson, Walker, J. V. Williams, M.

Williams, S. L. Young—18.

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The motion to amend the preamble was then withdrawn.

Mr. Pratt moved to amend the first resolution of the amendment by inserting, after the word "operation," these words, "and include within its action corporations of all descriptions."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pratt and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	James,	Wallace,
Bennett,	Johnson, B. B.	Walker, C. J.
Burnett,	McAfee,	Williams, M.—11.
Garth,	Pratt,	

Those who voted in the negative, were-

Messrs. Alexander,	Huston,	Slaughter,
Clarke,	Johnston, G. W.	Sterett,
Craddock,	Loving,	Sympson,
Dyer,	Morgan, D.	Walker, J. V.
Hanson,	Pirtle,	Williams, S. L.
Hardin,	Rodes,	Young-18.

Mr. McAfee moved to amend the said amendment by striking out of the first resolution these words, "or so modified as to free it from its retrospective operation."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Rodes, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,	Johnson, B. B.	Pratt,
Garth,	McAfee,	Williams, M6.

Those who voted in the negative, were-

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The amendment reported from the committee was then concurred in.

The question was then taken on concurring in the said preamble and regional solutions, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. D. Morgan and Huston, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Sterett.
Bailey,	Johnston, G. W.	Sympson,
Bennett,	Loving,	Walker, C. J.
Clarke,	Morgan, D.	Walker, J. V.
Craddock,	Pirtle,	Williams, M.
Dyer,	Rodes,	Williams, S. L.
Hanson,	Slaughter,	Young—22.

Those who voted in the negative, were-

Messrs. Burnett,	Johnson, B. B.	Pratt.
Garth,	McAfee,	Wallace—7.
James.		Name of the Park

And then the Senate adjourned.

WEDNESDAY, JANUARY 19, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to provide for the appointment of Commonwealth's Attorneys. An act authorizing a special chancery term in the county of Campbell. An act to amend the charter of the Louisville and Portland Canal Com-

pany.

That they had passed bills from the Senate of the following titles, viz:

An act to amend the law concerning injuries to real estate.

An act for the recording of Commissioners' deeds in the County Court Clerks' offices.

With an amendment to the last named bill.

That they had passed a bill, entitled, an act for the benefit of the heirs of Bennett Rose, deceased.

Mr. Rodes presented the petition of Robert C. Holland, praying for a divorce from his wife, Elizabeth F. Holland—which was received and referred to the committee on Religion.

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Mr. Hanson, from the committee on the Judiciary, reported a bill for the benefit of Oscar Turner—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Hanson, from the same committee, to whom was referred a bill concerning the revenue of 1842, reported the same with an amendment.

Mr. Rodes moved to amend the said amendment by adding thereto the following, viz:

Be it further enacted, That if any person shall feel aggrieved by this act, he or she, as the case may be, may go to the Clerk of the County Court, in his office, any time in the months of April and May next, and state, on oath, the species or kind of estate he or she may have disposed of, or lost, since the last assessment, and the value thereof on the Commissioners' books, as near as may be, and also, the value of any such estate that he or she may have acquired since said assessment; and the said Clerk, after making the deduction or addition, as the case may be, shall correct the list of such aggrieved person, which list, so corrected, shall be returned to the Sheriff, and he shall make the collection according to the list so corrected.

Be it further enacted, That two thousand copies of this act shall be printed for distribution by the members of this General Assembly, in their respective counties, and that it be forthwith published in the Commonwealth.

Mr. G. W. Johnston moved to lay the said bill and amendments on the table until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and G. W. Johnston, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey, Pratt, Walker, C. J. James, Wallace, Williams, M—7.

Those who voted in the negative, were-

Messrs. Alexander, Hanson, Rodes, Bennett, Hardin, Slaughter, Burnett, Huston. Sterett. Johnson, B. B. Clarke, Sympson, Craddock, Walker, J. V. Loving, Dyer, McAfee, Williams, S. L. Garth, Morgan, D. Young—21.

The question was then taken on the adoption of the amendment, moved by Mr. Rodes, and it was decided in the negative.

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The yeas and nays being required thereon by Messrs. Rodes and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Pratt, Messrs. Alexander, James, Johnson, B. B. Rodes, Bailey, Wallace, Garth, Johnston, G. W. McAfee, Williams, M.—12.

Those who voted in the negative, were-

Sympson, Hardin, Messrs. Bennett, Loving, Walker, C. J. Burnett, Morgan, D. Walker, J.V. Clarke, Craddock, Slaughter, Williams, S. L. Dyer, Sterett, Young—16. Hanson,

The amendment reported from the committee on the Judiciary was concurred in, and the said bill was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed, the question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and G. W. Johnston, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Hanson, Slaughter, Bennett, Hardin, Sterett. Burnett, Huston, Sympson, Clarke, Loving, Walker, J. V. Williams, S. L. Craddock, McAfee, Dyer, Morgan, D. Young—18.

Those who voted in the negative, were-

Messrs. Bailey, Johnston, G. W. Wallace, Garth. Pratt, Walker, C. J. James, Rodes, Williams, M—10. Johnson, B. B.

Resolved, That the title of the said bill be as aforesaid.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce and change of name of Fidelia Isbell, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Garth read and laid on the table the following preamble and resolution, to wit:

Whereas, by an act of Congress of July the 7th, 1838, providing for five years pay for the widows of Revolutionary Soldiers—that law, by the Secretary of War, has been construed to apply only to the widows of that date, and not to apply to those Revolutionary widows whose husbands died after that date; and the members of the Legislature of Kentucky being of an opinion that widows, after the passage of said law, ought to be equally provided for—therefore,

Resolved by the Legislature of Kentucky, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use their best exertions to have the said law amended so as to give to Revolutionary widows, after the passage of said law, the same compensation of five years' pay, that the Revolutionary widows receive whose husbands may have died

before the passage of said law.

The rule of the Senate being dispensed with, the said preamble and resolution were taken up and referred to the committee on Federal Relations.

A message, in writing, was received from the Governor, by Mr. Harlan,

Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

To the Senate and House of Representatives:

The Auditor of Public Accounts has reported to me, that he did, on the 15th instant, expose to public sale, in pursuance of law, the Lexington and Ohio Railroad, with all the estate, real, personal and mixed thereunto belonging, and the same was purchased by him, for and on behalf of the State, at the sum of \$178,544 64 cents—that being the amount of its lien created by the act of February 2d, 1833.

As little or no profit can be realized from the road in its present condition, and as it is a property of immense value, and may be rendered highly productive to the State as well as useful to the public, if properly managed, permit me, respectfully, to recommend that early provision be made for its re-

pair.

R. P. LETCHER.

January 19, 1842.

Ordered, That the said message be referred to the committee on Internal Improvement.

On the motion of Mr. G. W. Johnston,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the passage, by the Senate, of an act from the House of Representatives for the benefit of Coonrod Havens. The said bill having been returned to the Senate, the votes by which the said bill was passed and amended, were re-considered, and the said bill was referred to committee on Finance.

On the motion of Mr. Hanson,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate to a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Clay county. The Said bill having been returned to the Senate, the vote disagreeing to said bill was re-considered, and it was referred to the committee on Finance.

On the motion of Mr. Bennett, leave was given to bring in a bill to amend the law granting license to Pedlars, and the committee on Finance was directed to prepare and bring in said bill.

On the motion of Mr. Clarke,

Resolved by the Senate, That the Board of Internal Improvement be requested to report to this House, the report of the committee appointed by them to examine into the discrepancies which appear in the reports of the Resident Engineers, Livermore and Eastin, on the Green river navigation.

And then the Senate adjourned.

THURSDAY, JANUARY 20, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to wit:

An act to authorize the Hopkins County Court to lay the levy for said county at the May term thereof.

An act for the benefit of James W. Porter.

An act to reduce the number of Justices of the Peace in Greenup county.

An act for the benefit of the late Sheriff of Pulaski county.

An act for the benefit of Richwood Presbyterian Church.

An act to amend the revenue laws.

An act allowing an additional Justice of the Peace and Constable to the county of Bath, and for other purposes.

An act for the benefit of Nancy Sears.

An act to legalize the proceedings of the Trustees of the town of Poplar Plains, in the county of Fleming.

An act for the divorce and change of name of Elizabeth Ware.

An act to legalize the elections of certain school districts in Caldwell county.

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An act for the benefit of Samuel D. Hawke, and others.

An act to change the place of voting in the Westport precinct, in Oldham county.

An act for the benefit of Polly Coffer.

An act for the benefit of Lois Smallwood.

An act to establish an election precinct in the county of Morgan, and for other purposes.

An act to amend the several laws to suppress the practice of duelling. An act for the benefit of the heirs of Jesse Rubel, deceased, and others.

An act for the benefit of the Methodist Episcopal Church, in the town of Newport.

An act to amend the act, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Monticello school house, in Grant county.

An act to authorize the County Court of Henderson county to discon-

tinue a street in the town of Henderson.

An act to authorize the Trustees of Princeton Seminary to rent out the property.

An act for the benefit of the Somerset Academy.

An act for the benefit of the Clerk of the Whitley Circuit Court.

An act for the benefit of Elizabeth Taylor. An act for the benefit of Matthew Cook.

An act authorizing the County Courts of Wayne, Russell and Hickman, to appoint overseers of the poor without building poor houses.

An act for the benefit of Harry I. Bodley and James C. Rodes.

An act for the benefit of Mary Ann and Basil B. Mason.

An act to establish an election precinct in the town of Steamport, in the county of Henderson, and to change the place of voting in another.

An act to change the place of voting in the Big Hill precinct, in Madison county.

An act for the benefit of David Mathis.

An act for the benefit of Presley M. Hoskins.

An act to establish a road from some convenient point on the Green river turnpike road, to the Edmonson county line, in a direction to the Mammoth Cave.

An act for the benefit of Henry Payne.

An act for the benefit of the Trustees of the Methodist Episcopal Church, in Lexington.

An act to establish a road from the mouth of Laurel, through London, to Bates' Salt Well, in Clay county.

An act for the benefit of Henry Crawford, and others.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

An act for the divorce of Susannah Barnett, and to change her name.

An act changing the names of James Tapp and Jane Hays.

Approved January 18, 1842.

That they had disagreed to the amendment proposed by the Senate to the preamble and resolutions from that House in relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands.

That they had disagreed to bills from the Senate of the following titles,

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An act declaring in what cases negroes, mulattoes, Indians and slaves shall be competent witnesses.

An act to amend the law concerning sealed writings.

That they had passed a bill from the Senate, entitled, an act to amend the charter of the city of Maysville.

That they had passed a bill, entitled, an act for the benefit of Joseph C. Stiles—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

The Speaker laid before the Senate a communication from the Board of Internal Improvement in response to a resolution of the Senate of the 17th instant, which is as follows, viz:

Office Board of Internal Improvement, Frankfort, January 20, 1842.

Hon. M. V. Thomson,

Speaker of the Senate:

I have the honor herewith to transmit the reponse of the Board of Internal Improvement to resolutions of the Senate of 17th instant, which you will please to lay before the body over which you preside.

Respectfully, your obedient servant,

THOMAS METCALFE, Pres't.

Office of the Board of Internal Improvement, January 19th, 1842.

The Board of Internal Improvement to whom has been referred the resolution of the Senate of 17th inst., calling upon them to report the present condition and probable value of the water power owned by the State at the several locks and dams on Green river, showing to whom grants of water have been sold, and the amount of annual rent secured to the State, &c., beg leave to make the following report:

The paper marked A, herewith enclosed, shows the only bids received by this Board, and for which, it is believed, that contracts have been entered

into by the individuals who made the bids with the Green and Barren River Commissioners as agents on the part of the State. The bid of J. G. Pitts has never been carried into effect, owing to the State not having provided the necessary means by which water power could be used at lock and dam No.

3. These bids were regarded by the Board much below a reasonable rent, but owing to the sparseness of the population immediately on the river, and the experiment being some what new, they came to the conclusion that it was better to rent a few powers, at reduced prices, so as to afford evidences of the advantages arising therefrom than not to rent at all. It will, however, take some time before the water power can be successfully brought into notice, so as to enable the State to demand such rent as she has a right to expect

The paper marked B, herewith enclosed, shows the number of powers at each of the locks and dams, as estimated by the Chief Engineer, and the probable value of each. It is proper, however, to state that the water power at lock and dam No. I, will be less valuable than at the other locks, owing to the frequent interruptions from the back water of the Ohio river.—Notwithstanding that inconvenience, there is an application now before the Board to lease two water powers at that point, which the Board cannot accept, owing to the circumstance that the State owns no land at that place, nor do they know who are the owners, whether infants or adults, residents or non-residents, nor are they aware of any law by which land can be condemned for the use of water power, but more especially when the owner is unknown, or resides out of the State. If the Board are correct in the view they have taken, they would respectfully suggest the propriety of passing a law so as to enable the Commonwealth to condemn as much land as may be necessary for the purposes aforesaid.

The paper marked C, herewith enclosed, shows the rules and regulations adopted by the Board in leasing water power. One great object which the Board had in view was to prevent the lessee setting up claims for improvements which would swallow up the rent. It will no doubt be necessary to pass a law for the protection of the locks and dams, and also prohibiting any person from using the water in the pools for the use of machinery without first obtaining a lease from the Commonwealth.

THOMAS METCALFE, Pres't Board. SAMUEL DAVEISS, P. DUDLEY.

A.

McRery & Fleming have a lease at lock No. 2, on Green and Barren river navigation, for water power to run two saw mill saws, two pair common burr mill stones—and agree to pay a rent of \$400 per annum for the first fifteen years; \$450 per annum for the next five years, and \$500 per annum for the next ten years.

N. Richards has a lease at lock No. 2, on Green and Barren river navigation, for water power to run two pair stones and two saw mill saws—and agrees to pay \$240 per annum.

James G. Pitts has a privilege of water power to run two saw mill saws, for thirty years, at the price of \$220 per annum, at lock No. 3 on the Green and Barren river navigation.

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B.

Engineers' Office, Frankfort, Jan. 19th, 1842.

I have made an estimate of the water power at the four locks and dams on Green river, and the lock and dam on Barren river, and according to my calculation, which I believe to be substantially correct, there are fifty-six water powers at each of the locks on Green river, and twenty at the lock and dam on Barren river.

A power is estimated to be that quantity of water which, when applied to an overshot or other wheel, upon which water acts by its weight, will be sufficient to propel or drive one run of common mill stones, with the machinery necessarily connected therewith. The whole number of powers upon Green and Barren rivers, as above estimated, is 244. If we suppose one half of this number to be sold, which is 122, at the reduced price of \$110 per power, the annual amount will be \$13,420.

This estimate gives to the lower lock upon Green river, the same quantity of power as is supposed to be available at the others, but this can only be used a part of the year.

SYLVESTER WELCH, Chief Engineer of Kentucky.

C.

Office of Board of Internal Improvement, January 26th, 1839.

This Board, being desirous that no misunderstanding shall exist on the part of those who have, or may rent, water power from the State, and in order that the principles upon which said renting may take place, shall be fully known and understood, do hereby declare that the following terms, stipulations and restrictions shall, in substance, constitute a part of every agreement made and entered into between the State of Kentucky and any individual or individuals, corporations or bodies politic, by which water power is let upon any of the rivers or streams in this Commonwealth.

First.—No water power is to be leased or rented, except such power as can be safely spared without impeding or interrupting the free navigation of the stream on which said power is let, nor are any buildings and machinery to be erected so as to interrupt the navigation.

Second.—The ground belonging to the State, where water power is let, shall be laid off into lots, alleys, &c. so as to afford sufficient ground for those who are renters to erect their buildings thereon; which said lots shall be meted and bounded, and a plat thereof returned and made of record on the journals of this Board.

THIRD.—All rent is to be paid semi-annually; and for the purpose of securing the same the State of Kentucky is to have an exclusive lien upon all improvements and fixtures which the lessee may have erected or made on the site rented by him, for any arrearage of rent which may fall due at any time during the lease.

FOURTH.—The State of Kentucky is never to pay for any improvements which the lessee or lessees may make or erect upon the premises rented, under any pretext whatever; but at the end of the lease, the same shall be sub-

ject to renewal at whatever shall be deemed a fair and equitable rent at the time of renewal, which shall be determined by three disinterested citizens, one to be chosen by the superintendent or agent of the Commonwealth—another by the lessee or tenant, and the persons thus chosen, shall choose a third; and their decision, when made out in writing, shall be delivered to the parties, and constitute the basis on which said renewal shall take place.

Fifth.—In case the water power shall at any time become scarce at any of the points where the same is let, so that it shall become necessary for any part or portion of the mills or other manufacturing establishments, to suspend or stop their operations for a time, in order to avoid any difficulty which may arise therefrom, it is hereby declared and made known that the first lessee, whose lease bears priority of date, shall have the preference of continuing his mill or mills, or other manufacturing establishment: and where two or more shall have leases of the same date, the inconvenience arising from the want of water shall bear equally on all whose leases are of the same date; *Provided*, *however*, That if any lessee or lessees shall be compelled to stop their mills, or other manufacturing establishments, on account of the scarcity of the water for the period of one month or more, in any one year, a deduction shall be made from his rent, in the proportion that the rent shall bear to the eleven months which the tenant or tenants may have covenanted to pay the State.

Sixth.—Every lessee or tenant shall keep his flume or forebay in good order, so as to avoid any unnecessary waste of water, and in case he shall fail to do so, the agent or superintendent on the part of the State shall have power to cause the same to be done at the cost of such lessee or tenant.

SEVENTH.—Any lessee or tenant failing to pay his rent for the period of three months after the same shall fall due, the State, by her agent or superintendent, shall have full power or authority to re-enter and take possession of the premises in as full and ample a manner as though no lease had ever been entered into, or possession delivered to said tenant.

A copy. AUSTIN P. COX, Secretary.

Ordered, That said report be referred to the committe on Internal Improvement, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

The Speaker laid before the Senate a communication from the Board of Internal Improvement, in reference to a resolution of the Senate of the 19th instant, which is as follows, to wit:

Office of the Board of Internal Improvement, Frankfort, January 20, 1842.

To THE HON. M. V. THOMSON,

Speaker of the Senate:

Sir: In compliance with a resolution of the Senate of the 19th instrequiring the Board of Internal Improvement "to report to this House the report of the Committee appointed by them to examine into the discrepancies which appeared in the reports of the Resident Engineers, Livermore and Eastin, on the Green and Barren river navigation, have the honor of enclosing the original report herewith.

We have the honor to be,

With perfect respect,

THOMAS METCALFE, President Board.

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FRANKFORT, JULY 20, 1841.

To the Board of Internal Improvement of Kentucky.

GENTLEMEN:

The undersigned, in compliance with orders of the Board of Internal Improvement, dated February 17th and April 19th, 1841, have examined the works upon Green and Barren rivers, and have examined, in detail, the estimates of work done, made by Mr. Alonzo Livermore, former Resident Engineer, and the estimates made by Mr. Eastin, the late Resident Engineer. For the purpose of securing the attendance of all the parties concerned, and receiving all the explanations which could be given, they requested Mr. Alonzo Livermore to accompany them, agreeing to pay for his time and expenses. Mr. Livermore and Mr. McLean joined them at Elkton, and they proceeded from that place to the residence of Mr. Simpson Stout, the acting Commissioner and Treasurer for the Green and Barren river navigation, who, together with Mr. Jairas Livermore, the assistant Engineer, and Mr. Eastin, accompanied them throughout the whole investigation, the re-

sult of which they respectfully report.

Lock and Dam No. 1-in Green river.—According to the admeasurement of Mr. Eastin, the quantity of masonry used in the walls of this lock is about 6,420 perches, for the whole of which he has allowed \$10 per perch less, a deduction which he deemed sufficient to cover the expense of building the wood work, &c. of the gates. When the contract was made, the quantity of masonry was estimated at 4,200 perches, and the price was fixed at \$10; but this price included the cost of all the iron and wood work in the gates, mitre sills, &c. mentioned in the contract and specifications, or exhibited in the plans. The difference between the quantity of masonry now in the walls and the quantity which it was originally designed to put into the lock, viz: 2,220 perches, has been added by direction of the Engineer, partly by increasing the height of the wall and partly by adding to its thickness. That part which was applied to increase the height (including that which was put in below the assumed plane of the bottom of the lock, 704 perches) is made up partly of cut stone and partly of rough undressed stone, and the proportion of each is nearly the same as in other parts of the bottom of the walls; the value would therefore be nearly the same, and it may be put down at \$10 per perch. The remaining 1,516 perches is almost all rough undressed stone, and has been laid in the lock wall to increase its thickness. The cost of building this, allowing a reasonable profit to the contractor, will not exceed \$6 50 per perch, making (\$6.50×1516=\$9.854) \$5.306, less than the value put upon it by Mr.

The excavation above the lock has been over-estimated, as appears from the books, &c. about \$840. A part of this error was originally made by Mr. Livermore, and was reported as an error by the assistant engineer to Mr. Eastin, but was not corrected.

In the cast iron work for the bottom of the lock there appears to have

been an over estimate of about \$246.

A wall designed to connect the head of the lock with the abutment at the west end of the dam, has been commenced 13½ feet thick at the bottom, and was designed by Mr. Eastin to be six feet thick at the top. About 600 perches of this wall is laid and paid for at the rate of \$7 per perch,

which is understood to be 50 cents less than the price agreed upon between the Green river commissioners and the contractor. As this wall is not required to sustain or resist any more pressure upon one side than upon the other, it is twice as thick as it should have been, and the middle part is

sunk much deeper than necessary.

When the contract was made for the dam, a bill showing the quantity of timber, stone and iron which would be required to build it according to the plan, was furnished for examination, and the contractor, it is presumed, was governed to some extent, in fixing his price by this bill. The contract price is \$331 per foot in length of weir, for the dam complete, with the exception of the gravelling. According to the measurement made on the 12th of June, this dam is 522 feet long: this multiplied by the contract price gives \$17,487, which is the price of a dam built according to the specifi-

Before any progress had been made in building, the Engineer changed the plan of the dam by increasing the length of the base, and also to some extent the height. The character of the work was not changed, as the dam was built up in the same manner as originally contemplated, and the same kind of materials were used. By the conditions of the agreement, as in that for the lock, the value of the additional work was left to be determined by the Engineer, whose duty it was to fix such price as in his judgment might appear just and equitable; and it should have been fixed with-

out any regard to the contract price for the dam.

In estimating the additional work, this rule does not appear to have been followed. In making the estimate in December last, the engineer valued the additional materials and labor at the same rate as the materials and labor required to build up the dam, as originally contemplated, were valued, when compared with the contract price. This price is nearly or quite fifty per cent. more than is generally paid for work of the same kind in other parts of the State, and forty or fifty per cent. more than its fair value. is It is understood that the Green river Commissioners have agreed to pay the price fixed by Mr. Eastin for the additional work in the dam, in his esti-

mate of December last, and that they have made a record of their agreement in their order book.

The cost of the dam at the original contract price would be 522 feet multiplied by $$33\frac{1}{2} = $17,487$.

The value of the additional work, according to the opinion of Mr. Alonzo Livermore, is \$13,791; which would make the \$31,278 00 cost of the dam, The value of the additional work, as fixed by Mr. Eastin, with \$15,138 00 the approval of the Green river Commissioners, is \$32,635 00 Which would make the whole cost of the dam,

The opinion of Mr. Livermore was given when the papers &c. relating to this dam were under consideration; it is not embraced in his reports. The undersigned are of the opinion that both estimates are too high.

In estimating the masonry of the abutments, Mr. Livermore allowed the contractor \$4 per perch for laying the stone, and charged him \$4 for the materials, which belonged to the Commonwealth, and which the contractor is bound by his agreement to take at the estimate of the Engineer. These two make \$8, which is the contract price.

Mr. Eastin changed the estimate of Mr. Livermore so as to allow the contractor \$5 per perch for laying the stone, and charged him \$3 for the marials, which gave to the contractor \$690, in addition to the amount paid to him upon Mr. Livermore's estimate, as the work was done under the direction of Mr. Livermore, and was estimated by him or by his authority. This \$690 is considered an over payment which Mr. Eastin had no authority to allow.

Mr. Livermore in his estimates charges the contractor \$10 per perch for 400 perches of face stone, cut. Mr. Eastin has altered the estimate so as to charge the contractor but \$9 per perch, by which he pays \$400 more for the work, than Mr. Livermore. It is considered that he had no authority to make the alteration, and that this is also an over payment. There are some other items that appear to have been over estimated, but the amount of over payment in these items, if any, cannot now be ascertained.

On the first day of May last, the total amount of work done, according

to Mr. Eastin's estimates, was \$118,430 53.

Lock and Dam No. 3—Mouth of Muddy River.—This lock and dam had been finished, and in use for sometime before the spring of 1840, when the lower gates of the lock were broken down, and the navigation suspended. The water during the winter and spring freshets, had washed away the earth between the lock wall and the high bank so much as to form almost a continuous channel, of from 5 to 10 or 12 feet in depth, and it was apparent, that in a short time, perhaps during the next flood, the river would make for itself a channel around the lock, and thereby render the works useless.

In July last, the acting Commissioner of the Green River Board, by the advice of the Chief Engineer, made a contract with Russell McRery, to repair the injuries done to this lock and dam, and to do some other work which was considered indispensably necessary for their security, and also for the safety and convenience of the navigation. The Chief Engineer at the same time gave to the acting commissioner his views in relation to the work which he would recommend to have done, at a convenient time, for the ultimate improvement and security of the dam, &c., distinguishing this from that which was considered more immediately necessary, and which it was intended to have executed under the contract with Mr. McRery. The prices fixed by this contract were very high, and it was undersood by all parties, that the contractor was to do no more work, at these prices, than was considered immediately necessary for the security of the works and the opening of the navigation.

A force appears to have been employed soon after the contract was made, and the excavation behind the lock wall was filled up, and the lock temporarily secured against further injury by freshets. Some crib-work below the lock, was also built, and materials were procured for the gates and other work provided for in the contract. With the exception of this, that portion of the work which it was understood should be first done, and without which the navigation must remain suspended, was almost entirely neglected up to the commencement of the winter, and it was not done on the 15th of June, when it was examined by the undersigned. The contractor has been permitted to employ his force at excavating earth and rock at the west end of the dam, only an inconsiderable portion of which was intended to have been removed under McRery's contract. The balance could have

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been taken away at any convenient time, and at a price considerably less

than that which is paid to the present contractor.

A good deal of unnecessary expense has been incurred in extending the return walls of the lock towards the high bank. The upper wall has at least twice as much masonry as it was necessary to put there, and the lower one about one third more. These walls are now nearly finished, and no change can be made to reduce the expense.

Some expense has been incurred in making preparations to cut a passage through the dam which Mr. Eastin, without authority, had directed the con-

tractor to have done.

As this lock and dam were considered finished, there was no provision made in Mr. Livermore's estimate for further expenditure.

Lock and Dam No. 4—Mouth of Barren River.—The walls of this lock have been finished for more than a year. They were constructed under the direction of Mr. Livermore, and he had estimated, as appears from the statements, and paid for the extra work. No accurate calculation had been made of the quantity of masonry in the walls, but a quantity had been assumed or estimated for the purpose of making the monthly payments. This quantity exceeds the quantity resulting from Mr. Eastin's calculation, and if this is correct, a deduction should have been made in a succeeding estimate. It is the opinion of Mr. Livermore, that the calculation of Mr. Eastin does not embrace all the wall, or that it is in some way erroneous. A re-examination of the calculation was recommended, not only for this, but for some of the other locks.

In excavating the lock-pit, it was found that the rock in the bottom, on the land side, and at the head, was compact and solid, and that a portion of it might be left as a substitute for wall. This rock was accordingly left, and the side towards the chamber of the lock was dressed off to conform to the face of the wall to be built above. The Engineer, Mr. Livermore, considered the expense of dressing the face of this rock, and the trouble of preserving it from injury while removing that part which lay above, to be equal to the expense of building 49 perches of masonry, which at \$8 50 per perch, the contract price would be \$416 50. This item does not appear separately in Mr. Livermore's estimate. The 49 perches is represented to

be included in the aggregate number of perches in the walls.

In the December estimate of Mr. Eastin, he has taken the number of perches of wall built, according to his computation of the quantity, exclusive of this rock which was left in as a substitute for wall, and multiplied it by the price per perch, and then he has allowed for dressing off the face, and preserving the part which was left in, \$1,400, instead of \$416 50, which was the sum stated to have been allowed by Mr. Livermore. The difference \$983 50, is considered an over payment on this item, which Mr. Eastin had no authority to make.

Mr. Livermore fixed the price of excavation of earth above the lock, at 20 cents per cubic yard. There had been excavated and estimated while the work was under his superintendence, 7,420 cubic yards. Mr. Eastin changed the price, and allowed 25 cents per cubic yard, which gives to the contractor \$371 more than Mr. Livermore allowed, and this is considered

an overpayment.

A part of the stone for an abutment were prepared and dressed before the plan of a wood abutment was adopted. These stones have been mease

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ured by direction of Mr. Eastin. The quantity is presumed to be correct; the price allowed appears to be high.

The extension of the dam across the deep channel made by the freshets during the winter of 1839 and '40, and the building of the wooden abutment, are considered as work added to the contract, and which is to be paid for at such price as the Engineer may deem just and equitable. The quantity of timber and stone placed within a small compass, is very large, and the expense of putting it there, so far as the delivery of materials is concerned, was comparatively small. Timber is abundant and easy of access, and the sand stone which is used for filling the cribs, is obtained from an easily worked quarry in the bluff near the head of the lock. The bottom part of the abutment was filled with the same facility as the dam, but higher up towards the top, the putting in of the stone was more expensive on account

of the height to which they were to be raised.

Mr. Eastin estimated the quantity of timber laid in the new part of the dam on the 19th of November, 1840, at 25,390 feet, (measuring the length of the pieces of timber) and he fixed the price at $12\frac{1}{2}$ cents per foot. This price includes the labor of laying, but the iron bolts with which the timbers are fastened together, so far as iron is used, are paid for separately, at 10 cents per pound. The quantity of stone filling in this part of the dam was estimated at 4,574 cubic yards, and the price was fixed at one dollar per yard. The quantity of timber estimated as laid in the abutment, was 26,500 feet, and the price $12\frac{1}{2}$ cents per foot, the same as allowed for the timber of the dam. Stone filling put in below the water, 1,092 cubic yards, at \$1 per yard; above water 2,202 yards at \$1 20 per yard. These prices the undersigned believe to be higher than ought to be paid for this kind of work, where the materials are obtained so conveniently as they are at this dam, and where the amount of work is so large. The undersigned would value the timber, including workmanship, at 10 cents per foot, and the stone filling, including both the dam and the abutment, at 75 cents per cubic yard.

The estimate of Mr. Eastin for these items, is,

The estimate of Mr. Eastin for these items, is,	
Timber in dam, 25,390 feet, at 12½,	\$3,173 75
Timber in abutment, 26,500 feet at 12½,	3,312 50
Stone filling in dam, 4,574 cubic yards at \$1,	4,574 00
Stone filling in abutment below water, 1,092 cubic yds. at \$1,	1,092 00
Stone filling above water, 2,202 cubic yards at \$1 20,	2,642 00
	\$14,793 25
The value fixed by the undersigned would make:	

For timber, 51,890 feet at 10 cents,	- 100		\$5,189	00
Stone filling, 7,868 cubic yards at 75 cents,		-	5,901	00
			\$11,090	00

The difference which the undersgined consider an over estimate is \$3,-704.

There are some other items in the estimate of Mr. Eastin, where the work is valued high. The embankment behind the abutment is valued at

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25 cents per cubic yard. It will not cost to make it more than $12\frac{1}{2}$ or 15 cents. The rubble stone behind the abutment is estimated at \$1—the cost of putting there would not exceed $62\frac{1}{2}$ or 75 cents. The estimate for iron exceeds, in quantity, the amount which ought to have been used in the work.

This additional work upon the dam was not included in the estimate of Mr. Livermore, as but little if any of it was done when he resigned his

charge of the navigation.

Lock AND DAM No. 1—in Barren river.—Mr. Eastin adds to Mr. Livermore's estimate of the quantity of plank under the walls, 1000 feet at 5 cents per foot, by which he pays to the contractor \$50 more than Mr. Livermore had allowed.

In the item of excavation for the lockpit, Mr. Eastin has added 640 cubic yards at 50 cents per yard, making \$320, which is considered an over payment, the work having been done and estimated under the superintendence of Mr. Livermore.

The stop gate, with its foundations at the head of the lock, have been estimated by Mr. Eastin at \$534. This estimate is greatly too high. The stop gates heretofore built have cost from \$125 to \$200.

The price paid for the excavation above and below the lock (22,000 cubic yards) 25 cents per yard is greatly too high—18 cents would be a fair

price. This price appears to have been fixed by Mr. Livermore.

The estimated quantity of masonry now in the lock, is 6,393 perches. The quantity which was represented in the bill of materials when the contract was made, was 4,400 perches; the difference 1,993 perches was added by the Engineer, partly by increasing the height of the walls, and partly by adding to their thickness, and as in the case of lock No. 1, in Green river, the price of this additional wall is to be fixed by the Engineer, who is required to estimate all extra work according to his opinion of its value.

It appears that 566 perches of this additional masonry was applied in adding to the height of the lock walls, and may be valued by the perch at the same price as the other wall, viz: \$8 25. The balance of this additional quantity, 1,427 perches, is exclusively backing, and is made up of undressed stone. The value of this, by the perch, cannot exceed \$5 50. The price allowed by Mr. Eastin is \$8 25. The difference \$2 75 multiplied by 1,427 perches makes \$3,924 25, which is considered an over payment and ought not to be allowed in the final estimate.

On the 1st of May 1840, Mr. Livermore estimated the work done upon the dam, including all the materials furnished and delivered, at \$23,625 50, and the amount estimated on the lock and other parts of the work, was \$56,841 00, making together \$80,466 50. This estimate includes the addi-

tion which the Engineer had made to the dam, &c.

On the 19th of December following, Mr. Eastin estimates the value of work done upon the dam, including materials delivered, at \$33,724 12; and he estimates the value of the work done upon the lock and works connected with it, after deducting \$3,383 19 to pay the expenses of building and putting in the gates, at \$74,279 88, making together \$108,004.

The dam has been over estimated between four and five thousand dollars, and the amount now allowed, is, in the opinion of the undersigned, equal to the whole value of the dam when finished. Mr. Eastin states that the work upon the dam was over estimated by Mr. Livermore, but he does not ap-

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pear to have corrected the error. There was added to the estimates on the dam, between the 1st of May and the 19th of December, \$10,098 62. This sum, however, embraces some iron represented to have been purchased for the crib work above and below the lock, a part of which was not delivered on the 14th of June, although it had been paid for some months before. The quantity of iron which has been estimated at this lock and dam greatly exceeds the quantity which appears to be necessary for the work, and the explanation given of the use to which it had been applied, was not satisfactory.

The above are the principal items in the work now executed, to which, in the opinion of the undersigned, have been over estimated, and in most cases the estimates have been paid with the exception of some retained per centage. In making the final estimates, a part of this over payment can, if the Green river Commissioners shall regard it as an over payment, be retained. In other cases it is presumed that the estimates and payments cannot be changed.

A comparative estimate of the work remaining to be done, cannot well be made. Each Engineer proposed to construct certain work for the protection &c. of the locks and dams, and for the security of the navigation, and each put upon it his own estimate of its value. Plans of these works were not submitted, and it would have been difficult to have ascertained precisely how much crib work, wall, &c. was intended to have been embraced in the estimate of either. The quantity which the undersigned considers necessary, will cost far less than the sums allowed for it in the estimate of Mr. Eastin, and probably more than allowed by Mr. Livermore.

The undersigned will add that Mr. McLean accompanied them as above stated, throughout the whole of this investigation; that the notes from which this report is made, were taken in his presence, and met, as the undersigned understood, with his entire concurrence.

All of which is respectfully submitted.

THOMAS METCALFE, Pres. B. I. I.
SYLVESTER WELCH, C. E. of Ky.

Ordered, That said communication be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

The Speaker laid before the Senate the report of the Commissioners appointed to contract for, and superintend the erection of additional rooms for the Auditor of Public Accounts.

Ordered, That the said report be referred to the committee on Public Buildings.

1. Mr. Sterett presented the petition of sundry citizens of the town of Stephensport, in Breckinridge county, praying for the passage of a law incorporating said town.

2. Mr. Mr. McAfee presented the petition of the Managers and Stockholders of the Lexington, Harrodsburg and Perryville turnpike road, praying for the passage of a law authorizing them to lease the said road for a certain period under certain restrictions.

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Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Internal Improvement.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to dissolve the marriage contract between Cynthia Wester and Samuel Wester, and to change the name of said Cynthia, reported the same without amendment.

Ordered. That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Hanson, the vote was re-considered by which a bill from the House of Representatives, entitled, an act for the benefit of Matthew Neale was laid on the table until the first day of June. The motion to lay the said bill on the table was withdrawn, and it was referred to the committee on the Judiciary.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Simeon E. Carroll, praying for a divorce, reported the following resolution, thereon, to wit:

Resolved, That the said petition be rejected.

Which was concurred in, and leave was given to withdraw the said petition.

On the motion of Mr. Clarke,

Resolved by the Senate, That the Board of Internal Improvement be requested to report to this House, as soon as may be convenient, what public works, in their opinion, should be progressed with during the present year, and what suspended, if any; and the amount of funds that will be required during the present year to carry on such works as should be progressed with, specifying the amount that may be necessary for each particular work; and also, to report to what turnpike roads appropriations should be made for the present year, specifying the amount necessary for each; and also, to report the number of Engineers and Agents in the employ of the State on the public works, and for what length of time they are employed, and at what salaries, and what number, in their opinion, will be necessary to carry on the work for the present year.

A bill from the House of Representatives, entitled, an act for the benefit of the heirs of Bennett Rose, deceased, was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was referred to the committee on the Judiciary.

On the motion of Mr. J. S. Morgan,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of so amending the execution laws as to prohibit the sale of personal property, sold under execution, unless it sells for two thirds of its value; and that they further enquire into the propriety of giving longer

time to redeem land sold under execution, and that said committee report by bill or otherwise.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives to a bill, entitled, an act for the recording of Commissioners' deeds in the County Court Clerks' offices.

Mr. Bailey, from the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act to amend the charter of the city of Maysville.

An act to amend the law concerning injuries to real estate.

An act to extend the terms of the Nicholas Circuit Court, and change the May and November terms of the Estill Circuit Court.

An act to change the place of voting in the Green Spring precinct in Green county.

An act for the benefit of Charles P. Howard, and others.

An act for the benefit of Susannah Watts.

A resolution fixing a day for the election of Public Officers.

A resolution to place a tomb over the grave of John Adair, late Governor of Kentucky.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee were directed to lay the said bills before the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

The preamble and resolutions from the House of Representatives in relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands, were taken up.

Mr. Hanson moved that the Senate insist on their amendment to the same. The question being taken thereon, it was decided in the affirmative, and so the Senate insisted on their amendment.

The yeas and nays being required thereon by Messrs. Hanson and S. L. Williams, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Alexander,	Hardin,	Slaughter,
Bailey,	Huston,	Sympson,
Bennett,	Johnston, G. W.	Walker, J. V.
Clarke,	Loving,	Williams, M.
Craddock,	Morgan, D.	Williams, S. L.
Dyer,	Morgan, J. S.	Young-20.
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Those who voted in the negative, were-

Messrs. Burnett,	Johnson, B. B.	Sterett,
Garth,	McAfee,	Wallace,
James,	Pratt,	Walker, C. J.—9.

Mr. G. W. Johnston, from the committee on Finance, reported a bill to incorporate the Trustees of Clay Village Seminary—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Dyer—1. A bill to amend the law which provides for condemning lands for public purposes.

On the motion of Mr. Alexander—2. A bill for the benefit of Mary Matlock, of the county of Cumberland.

On the motion of Mr. J. S. Morgan—3. A bill to allow conventional interest, not to exceed ten per cent. per annum, and forfeit the whole interest if more is charged.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on Religion the 2d, and Messrs. J. S. Morgan, Clarke and Hanson were appointed a committee to prepare and bring in the 3d.

And then the Senate adjourned.

FRIDAY, JANUARY 21, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act declaring copies of foreign wills, recorded in the County Courts of this State, evidence.

An act for the benefit of Jane Myers.

That they had disagreed to bills from the Senate of the following titles, to wit:

An act for the benefit of William B. Dunlap.

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An act concerning bonds for costs by non-resident suitors, and certain corporations.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of William Bradley.

An act for the benefit of Louisa J. Reece.

An act for the benefit of the Clerks of the Washington and Marion Circuit Courts.

An act for the benefit of Louisa Warder.

An act for the benefit of Oscar Turner.

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

An act to amend the law concerning the probate of wills.

An act for the benefit of Sylvania Floyd.

With amendments to the three last bills.

That they had passed bills of the following titles, to wit:

- I. An act for the benefit of the Sheriffs of Owen and Casey counties.
- 2. An act more effectually to prevent slaves from carrying arms.
- 3. An act for the benefit of Alexander Burnam.
- 4. An act to legalize the marriage of Elisha Breeding, and Belinda Stamper, and for other purposes.
 - 5. An act for the divorce of Aaron Allison.
 - 6. An act for the divorce of Mary Jane Owen.
 - 7. An act for the divorce of Willis Isbell.
- 8. An act to amend an act, entitled, an act authorizing the several County Courts of this Commonwealth to permit gates to be erected on certain roads.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Finance; the 2d and 3d to the committee on the Judiciary; the 4th, 5th, 6th and 7th to the committee on Religion, and the 8th to the committee on Internal Improvement.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Jerusha Foster, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

On the motion of Mr. Clarke, the committee on Internal Improvement

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was discharged from the further consideration of the petition of Lambert D. Banta, and leave was given to withdraw the said petition.

Mr. Clarke, from the committee on Internal Improvement, reported a bill for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike Road Company—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on Internal Improvement.

Mr. G. W. Johnston, from the committee on Finance, reported a bill to amend the law granting license to Pedlars—which was read the first time, and ordered to be reada second time.

The constitutional rule as to the second reading being dispensed with, the

said bill was committed to the committee on the Judiciary.

On the motion of Mr. G. W. Johnston, the committee on Finance was discharged from the further consideration of a resolution, to them referred, in relation to the collection of the revenue for the present year.

Mr. Slaughter, from the committee on Agriculture, to whom was referred the memorial of sundry citizens of Louisville, relative to an amendment of the acts of 1827 and 1828, authorizing and regulating inspections of salt, reported the following resolution thereon, to wit:

Resolved, That the said memorial be rejected.

Which was concurred in.

On the motion of Mr. Pirtle, the committee on Federal Relations was discharged from the further consideration of sundry memorials, to them referred, praying for the repeal of the Bankrupt Law.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills and resolutions which originated in the Senate of the following titles, viz:

An act to amend the charter of the city of Maysville.

An act to amend the law concerning injuries to real estate.

An act to extend the terms of the Nicholas Circuit Court, and change the May and November terms of the Estill Circuit Court.

An act for the benefit of Susannah Watts.

An act for the benefit of Charles P. Howard, and others.

An act to change the place of voting in the Green Spring precinct in Green county.

Approved January 20, 1842.

A resolution fixing a day for the election of Public Officers.

A resolution to place a tomb over the grave of John Adair, late Governor of Kentucky.

Approved January 20, 1842.

Mr. Bailey, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of

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Representatives of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of John Carlisle, late Sheriff of Campbell county.

An act for the benefit of the Sheriff of Green county.

An act for the benefit of Edward W. Dowden.

An act to amend the charter of the Louisville and Portland Canal Company.

An act for the benefit of Thomas Y. Johnson.

An act for the benefit of the second Presbyterian Church in Louisville.

An act for the divorce of William W. Bell.

An act for the benefit of the Lexington Grenadiers.

An act authorizing a special chancery term in the county of Campbell.

An act to provide for the appointment of Commonwealth's Attorneys.

An act declaring the office of Constable and County Surveyor incompatible, and for other purposes.

An act to regulate the terms of the Bath Circuit Court.

An act for the divorce of William M. Miller.

An act for the divorce and change of name of Laura Maria Haydon.

An act to change, in part, the State road in Carroll county.

An act for the divorce of Lucinda Clore.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Frederick Metts, praying for a divorce, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Which was twice read and disagreed to.

Ordered, That said committee report a bill pursuant to said petition.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate and

House of Representatives:

You were apprized, by my message at the opening of your session, that counsel had been employed to prosecute any suit or suits which he deemed necessary, against the Schuylkill Bank of Philadelphia, to secure the Sinking Fund and Board of Education against all loss growing out of the fraud perpetrated by that institution upon the Bank of Kentucky. I am now advised that, under the laws of Pennsylvania, some difficulties may exist in

prosecuting actions against the Bank of Schuylkill, so as to elicit all the important facts connected with that transaction; and, at the same time, to prevent her from misapplying or secreting her effects. I therefore respectfully recommend, that immediate application be made to the Legislature of Pennsylvania, by memorial or otherwise, to authorize the Bank of Kentucky to maintain a suit in chancery against the Schuylkill Bank, for the equal benefit of all the holders of the forged certificates sold by that Bank. R. P. LETCHER.

January 21, 1842.

Ordered, That the said message be referred to the committee on Banks. A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Tunstall Quarles to be Judge of the 15th Judicial District, in the place of Joseph Eve, resigned.

James W. Mays to be Police Judge of Harrodsburg, in the place of C. E.

Bowman, resigned. Richard C. Taylor to be Sheriff of Cumberland county, in the place of Reuben Alexander, whose office was declared by the County Court of said county to be forseited, for failing to produce to the court a quietus from the Auditor of Public Accounts, for all taxes due from him for the year 1841, and who afterwards resigned. R. P. LETCHER.

January 21, 1842.

Resolved, That the Senate advise and consent to the said appointments. Mr. Rodes, from the committee on Religion, reported a bill for the benefit of Frederick Metts-which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed.

The said bill is as follows, to wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Frederick Metts be, and he is hereby divorced from his wife, Julia Ann Metts, and is restored to all the rights and privileges of a single man.

The question being taken on the passage thereof, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Rodes and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Bennett, Burnett, Garth, James,	Jesup, Loving, McAfee, Pratt,	Slaughter, Wallace, Walker, C. J. Williams, M—13
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Those who voted in the negative, were-

Messrs. Clarke, Craddock, Dyer, Griffith, Hardin, Huston,

Johnson, B. B. Morgan, D. Morgan, J. S. Pirtle, Rodes, Sterett. Sympson, Walker, J. V. Williams, S. L. Young—16.

The Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz:

> State of Kentucky, Auditor's Office, January 20, 1842.

SIR:

Upon a careful examination of my printed Report, I find several inaccuracies which should be corrected. I therefore call your attention, and the attention of the House over which you have the honor to preside, to the following errors. These accidental occurrencies, the most of them, took place in comparing the report, as made in manuscript, with the proof sheet, and entirely overlooked.

On page 3, item, Nov. 26, sold 6 year bonds by R. P. Letcher, Governor, to S. Stout, Treasurer Green and Barren River Commissioners Navigation, \$1,500, which should have been printed \$15,000; the addition in the column is correct as printed in the report.

On page 6, item, January 8, 1841, of Thos. E. West, President Danville, Lancaster and Nicholasville road, to 1st January 1841, dividend, \$5,337 76. This amount should have been printed in the report \$633 76; the addition in the column is correctly printed.

On page 30, warrant No. 359, John Hulme, for hydraulic lime, amounting to \$1,200, issued Dec. 18, 1840, on requisition Dec. 18, 1840, has been by me entirely omitted in the body of my report; but it appears in the table at the end of said report.

On page 39, warrant No. 266, to James Newton, for and on account of an appropriation made by the Legisluture, approved Feb. 18, 1841, for damage done said Newton's mill, \$750 was previously charged in July, page 37, and therefore improperly reported on page 39; same warrant reported twice in table of warrants, which will leave the warrants unpaid \$2,900.

On page 38, the amount 30 year bonds sold for the Kentucky River Navigation, is not printed as stated by Auditor, owing to his manuscript being defaced by a blot; it being printed \$16,205 50, instead of \$14,205 50, which \$14,205 50 is correctly printed in table at the end of report.

On page 46, items, in May, \$19 44 which is printed, ought to have been \$19 54, and in June, as printed, \$30 66, ought to have been \$30 62; these corrections will make the addition as it now stands on printed report, which is correct.

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The foregoing errors do not change the final result, as will appear by reference to the table of receipts and expenditures; but inasmuch as they do exist, I have thought proper to give the proper explanations.

I am, very respectfully, yours, &c.,

BEN. SELBY, Aud. Pub. Accounts.

Hon. Manlius V. Thomson, Speaker of the Senate.

Ordered, That the said communication be referred to the committee on Finance.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

An act for the benefit of Sylvania Floyd.

A bill, entitled, an act to amend the law concerning the probate of wills, as amended by the House of Representatives, was taken up.

Ordered, That said bill, and amendment, be referred to the committee on

the Judiciary.

On the motion of Mr. Loving, leave was given to bring in a bill to amend an act, entitled, an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the State line, in the direction to Nashville, approved February 2d, 1833; and the committee on Internal Improvement was directed to prepare and bring in the same.

The resolutions in relation to amendments to the Constitution of the U. States, read and laid on the table by Mr. J. S. Morgan, were taken up and referred to a committee of the whole House on the state of the Common-

wealth.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House, Mr. G. W. Johnston in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. G. W. Johnston reported that the committee had, according to order, had under consideration the said resolutions, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State, covering a report of the Commissioners of the Sinking

Fund.

The rule of the Senate being dispensed with, the said message was taken up and read as follows.

[For message and report—see Legislative Documents.]

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Ordered, That the said report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

An engrossed bill, entitled, an act more effectually to protect the right of suffrage, was read the third time and re-committed to the committee on Privileges and Elections.

Mr. J. S. Morgan, from the committee appointed for that purpose, reported a bill to regulate the rate of conventional interest—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was referred to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly.

A bill to amend the law on the subject of usury, and a bill to amend the law in relation to the assignment of notes, &c. were referred to the committee on the Judiciary.

And then the Senate adjourned.

SATURDAY, JANUARY 22, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of preamble and resolutions from the Senate in relation to water rotted hemp, with an amendment.

That they had passed bills from the Senate of the following titles, to wit:

An act for the benefit of William M. Poyntz, and for other purposes. An act for the benefit of William McCleland, and others.

An act for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatley.

An act for the benefit of Edmond O. Hawkins.

An act for the benefit of Pouncy Nuckols, and others.

An act to change the terms of the Jefferson Circuit Court, and for other purposes.

That they had passed bills of the following titles, to wit:

- 1. An act for the relief of Edward Rumsey, administrator of Richard Elliott, deceased.
 - 2. An act for the benefit of the officers and guards of the Penitentiary.
 - 3. An act for the benefit of the County Court of Wayne.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 3d were referred to the committee on the Judiciary, and the 2d to the committee on the Penitentiary.

Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas county, praying for the establishment of a Commonwealths' Bank-which

was received and laid on the table.

Mr. Alexander presented the petition of James T. Chism, praying for the passage of a law authorizing the Monroe County Court to decree him a deed for certain land under certain restrictions-which was received and referred to the committee on the Judiciary.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill, entitled, an act to amend the law concerning the probate of wills, and the amendment of the House of Representatives thereto, reported the same

without amendment.

Resolved, That the Senate disagree to the said amendment, and that Messrs. Pirtle, Craddock and Hardin be appointed a committee of conference thereon, on the part of the Senate, and that the House of Representa-

tives be requested to appoint a committee on their part.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act more effectually to prevent slaves from carrying arms, reported the same with an amendment, which was concurred in. Further amendments were proposed, and the said bill, and amendments, were re-committed to the committee on the Judiciary.

Mr. Pirtle, from the same committee, to whom was referred bills from

the House of Representatives of the following titles, to wit:

An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

An act for the benefit of Alexander Burnam.

Reported the same with amendments, which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William H. Bransford, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading of said bill being dispensed

The question was taken on the passage of said bill, and decided in the affirmative.

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The yeas and nays being required thereon by Messrs. Craddock and Hardin, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander. James. Slaughter. Wallace, Bennett. Jesup, Burnett, Johnson, B. B. Walker, C. J. Dver, Loving, Walker, J. V. Garth, McAfee. Williams, M. Griffith, Rodes, Williams, S. L-19 Huston.

Those who voted in the negative, were-

Messrs, Clarke, Morgan, D. Pratt,
Craddock, Morgan, J. S. Sterett,
Hardin, Pirtle, Sympson—9.

Resolved, That the title of the said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, William Force to be Sheriff of Oldham county, the County Court having failed to recommend at either of the periods prescribed by the Constitution.

R. P. LETCHER.

January 22, 1842.

Resolved. That the Senate advise and consent to the said appointment.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

To the Senate and House of Representatives:

Agreeably to the request of the Governor of Alabama, I transmit to the General Assembly, joint resolutions of the Legislature of that State in favor of the admission of the Republic of Texas into the Union.

R. P. LETCHER.

January 22, 1842.

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EXECUTIVE DEPARTMENT, Tuskaloosa, January 1842.

SIR:

I have the honor to forward to you the annexed resolutions, passed unanimously by the General Assembly of the State of Alabama at the late session.

Very respectfully,

BEN. FITZPATRICK.

To His Excellency, the Governor of Kentucky.

Joint resolutions in relation to the admission of Texas into the Union.

Resolved unanimously by the Senate and House of Representatives of the State of Alabama in General Assembly convened, First: That with the rising prospects of the new and noble Republic of Texas, the reasons why we should not forbid, but rather seek earnestly her admission into our Union, constantly and rapidly accumulate, "their people are our people," and we believe them the bold, fearless friends of liberty; their admission cannot weaken, but will add strength, wealth and power to the Union. Second,

Resolved unanimously, That it is hereby made known to Texas and to the world, that we, as the representatives of the people of Alabama, are decidedly in favor of the admission of the Republic of Texas in the Union, with equal rights and upon equal footing with the sovereign States of the

United States of America. Third,

Resolved unanimously, That the Governor of Alabama, the President of the Senate, and the Speaker of the House of Representatives, in behalf of their respective Houses, be requested to subscribe these resolutions, either before, or immediately after the adjournment of this General Assembly; that His Excellency the Governor, be requested to forward a copy to the Governor of each of the States and Territories of the Union, requesting them to present them to the Legislatures of their respective States or Territories; a copy to the President of Texas, and also a copy to each of our Senators and Representatives in Congress, requesting them to urge the passage of all such laws, resolutions, or treaties, as may conduce to the desirable object of the annexation of the Republic of Texas to the United States of America.

NATH'L TERRY,

President of the Senate.

DAVID MOORE,

Speaker of the House of Representatives.

Approved, January 1, 1842. BEN. FITZPATRICK.

> A true copy. Attest, Wm. Garrett, Secretary of State.

Ordered, That the said message be referred to the committee on Federal Relations.

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Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill more effectually to protect the right of suffrage, reported the same with an amendment, which was concurred in, and the said bill was placed in the orders of the day.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act authorizing the several County Courts of this Commonwealth to permit gates to be erected on certain roads, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Clarke, from the same committee, to whom was referred a bill for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike Road Company, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of Edmund O. Hawkins.

An act for the benefit of William McCleland, and others.

An act for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatley.

An act for the benefit of Pouncy Nuckols, and others.

An act for the benefit of William M. Poyntz, and for other purposes.

An act for the benefit of Oscar Turner.

An act for the benefit of Louisa Warder.

An act for the benefit of Louisa J. Reece.

An act for the benefit of William Bradley.

An act for the benefit of the Clerks of the Washington and Marion Circuit Courts.

An act for the recording of commissioners' deeds in the County Court Clerks' offices.

An act for the benefit of Sylvania Floyd.

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

An act to change the terms of the Jefferson Circuit Court, and for other purposes.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Clarke, from the committee on Internal Improvement, made the following report, viz:

On the petition of Juliet Henry, executrix of Mathis W. Henry, deceased, the committee report, that the petitioner withdraws and abandons her claim for the difference between the estimates of the two Engineers, Eastin and Livermore. The committee ask leave to be discharged from the further consideration of the claim for indemnity on the loss sustained on the State Bonds, and report a bill for her claim, for work and labor done on the abutment, set forth in said petition.

The committee was thereupon discharged.

The said bill, for the benefit of Juliet Henry, executrix of Mathis W. Henry, deceased, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afgresaid.

Mr. McAfee, having obtained leave, reported a bill to amend the law concerning slaves—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was refered to the committee on the Judiciary.

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act for the benefit of Coleman Graves.

An act for the benefit of Henry Smith, and others.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Owen and Casey counties, reported the same with the opinion of the committee that it ought not to pass, and the said bill was placed in the orders of the day.

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bill the ion in Mr. Craddock read and laid on the table the following resolution, to wit: Resolved by the Senate and House of Representatives, That the election of Public Officers be postponed until Saturday the 29th instant.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives to preamble and resolutions in relation to water rotted hemp.

Leave was given to bring in the following bills, viz:

On the motion of Mr. M. Williams—I. A bill to amend the act, entitled, an act to amend an act reserving certain property from execution, and for other purposes, approved February 16, 1841.

On the motion of Mr. Garth—2. A bill for the relief of the Sheriff of Pulaski county.

On the motion of Mr. Pirtle—3. A bill to amend the charter of the Louisville Gas and Water Company.

Messrs. M. Williams, James and Burnett were appointed a committee to prepare and bring in the 1st; the committee on Finance were directed to prepare and bring in the 2d, and the committee on the Judiciary the 3d.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to legalize the marriage of Elisha Breeding and Belinda Stamper, and for other purposes, reported the same without amendment.

Ordered. That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Pratt, leave was given to withdraw the petition and papers of Frederick Metts.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution from the Senate to postpone the election of Public Officers.

Mr. Garth asked leave to bring in a bill to amend the law permitting slaves to be brought to the State of Kentucky.

And then the Senate adjourned.

MONDAY, JANUARY 24, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to wit:

An act for the benefit of Thomas Y. Johnson.

An act for the benefit of the second Presbyterian Church in Louisville.

An act authorizing a special chancery term in the county of Campbell.

An act to provide for the appointment of Commonwealth's Attorneys.

An act for the benefit of William W. Bell.

An act for the benefit of the Lexington Grenadiers.

An act declaring the office of Constable and County Surveyor incompatible, and for other purposes.

An act to regulate the terms of the Bath Circuit Court.

An act for the benefit of Edward W. Dowden.

An act for the benefit of the Sheriff of Green county.

An act for the benefit of John Carlisle, late Sheriff of Campbell county.

An act to change, in part, the State road in Carroll county.

An act for the divorce of Lucinda Clore.

An act for the divorce of William M. Miller.

An act for the divorce and change of name of Laura Maria Haydon.

An act to amend the charter of the Louisville and Portland Canal Company.

Approved January 21, 1842.

The Speaker laid before the Senate the following report from the Board of Internal Improvement, to wit;

Office Board of Internal Improvement, Frankfort, January 20, 1842.

SIR

I have the honor to transmit to the Senate, the report of the Board of Internal Improvement, in answer to their resolution of the 20th inst.

Very respectfully, &c.

THOMAS METCALFE, President B. I. I.

Hon. M. V. Thomson,

Speaker of the Senate:

The Board of Internal Improvement having had under consideration the resolutions of the Senate of 20th inst. to them referred, would respectfully ask leave to submit the following Report:

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Acknowledging the importance to the State, of the information intended to be elicited by the questions propounded, and the obligation of the Board, to the extent of their power, to communicate the same, together with such views as they may entertain, as to the steps most proper now to be taken for the security of the works in progress, and the promotion of the best interests of the Commonwealth, they nevertheless have to regret their inability to perform such a task satisfactorily to themselves, much less can they hope to do so to the satisfaction of the Senate.

Trusting however, that the enlightened Senators of the State will duly appreciate the difficulties to be encountered, the Board will endeavor, to the best of their skill and judgment, to discharge the duties assigned them.

In the first place, the Board would respectfully refer the Senate to the accompanying schedule of the public works, which are now in a course of construction, the amount which has been expended upon them respectively, and the estimated amounts required for their completion. With the data thus furnished by the Board, they doubt not but that it will be in the power of the Senate, composed as it is of Senators from the different sections of the State in which those works respectively are located, to form opinions respecting their further prosecution or temporary suspension, not only more satisfactory to themselves than those which can be formed by the Board, but at the same time, more just and more fit as a basis of legislative action.

The Board do not hesitate to acknowledge the pecuniary embarrassments of the State as one of the main obstacles which they have to encounter in their efforts to arrive at satisfactory conclusions in reference to the interesting questions contained in the resolution.

If this obstacle, of the mountain's height, could be removed, nothing could afford to this Board greater pleasure than to march boldly up to the task assigned them, and give to the Senate direct and explicit answers to all questions propounded. But these embarrassments, suspended as they are, like a dark cloud over the pathway of the Board, and impenetrable to their feeble vision, will doubtless be properly appreciated by the Senate, and will form the best apology for what otherwise might be considered deficient in the contents of this report.

The accompanying schedule will exhibit, in one view, the condition of the works upon the several rivers, the amounts which have been expended upon them, and the amounts necessary for the completion of such of them as are under absolute contract.

The estimated sum of \$50,700 00, is intended to finish the works under contract upon the Kentucky river, to remove certain timbers from the banks, and to put up lock houses where they are needed. To this sum may be added \$37,342 02, the amount of debt now due, and \$5,745 10, with interest thereupon, making an aggregate of \$93,787 12, of which there is appropriated \$31,335 68, leaving to be appropriated this sum, \$62,451 44.

The amount required to finish the works upon the Green and Barren rivers, according to the estimates contained in the last report of the Commissioners, is \$60,031 38, including the debt due. In explanation of the causes of what might otherwise appear to be an unwarrantable discrepancy in the aggregate amount here stated, and former reports of what was deemed sufficient for the accomplishment of the same object, it is the duty of the Board to say, that a recent disclosure made before the Committee of Internal Improvement of the Senate, in the presence of the President of this Board, fully accounts for the difference.

The contractors have been allowed, in addition to regular prices, upon certain additional works done by them, a sum sufficient to cover the depreciation of the bonds which they had agreed to take at their par value, thus swelling the aggregate mentioned, many thousand dollars above what the

Board had any right to anticipate.

The amount required to complete the works upon Licking river, in addition to the appropriation of last year, and including the debt due, is \$258,-684 60, about 80 or 85 thousand dollars of which, will be sufficient to complete the lock walls and abutments. The contracts for work upon the several rivers, being absolute and unconditional, and of course not to be violated without the consent of the contractors, the Board take it for granted that it is not the intention of the Legislature to suspend operations upon any of those works, especially as an amount so vast has already been expended upon them, and as the works must remain comparatively unavailing and profitless to the State, until the same shall be completed. The works upon two of those streams, as hereinbefore stated, are nearly finished; and if the means can be furnished for that purpose, the whole of the contracts upon the three rivers may be completed, or nearly so, during the coming season. A suspension of any of those contracts, without the assent of the contractors, would be deemed equal to an abrogation thereof, and would entitle the contractors to indemnification, the amount of which, when added to the cost of material on hand and other preparations for carrying on the works, and the expenditure already incurred, would probably fall but little short of the amount required to fulfil all the obligations of the State so far as those works are concerned.

The Turnpike roads stand upon a different footing from the rivers, and in some respects from each other, in regard to the obligation the State may be under to make appropriations for their advancement or completion.

In some instances the State is a stockholder, but under no obligation to pay any portion of its subscription, until the other stockholders shall have paid their pro rata to the Treasurer of the companies. It is believed that the amount of individual subscription which will hereafter, for some time to come, be bona fide paid in, will be very inconsiderable, and that no new subscription can be had. Should this turn out to be the case, the State of course stands released from any obligation to the companies, and the Legislature will be left free to pursue the course dictated by discretion and sound policy. That it will be good policy to make some detached portions of those roads for the purpose of closing up short gaps can hardly be doubted; but upon that point the Legislature will be the most competent judges.

There are some instances in which the State is pledged to expend given amounts unconditionally, and not depending upon what may be done by indi-

vidual stockholders.

In other instances it may be that there is no pledge or obligation whatever on the part of the State, in which it may nevertheless be sound policy to expend inconsiderable sums to close up and connect detached portions of the road so as to render them available and profitable.

Georgetown and Williamstown road.—As will be seen by referring to the late report of the Chief Engineer, there remains 20 miles and a fraction of that important road not yet contracted for, about seven or eight miles of which is hardly passable with heavy loading on account of the intervening and rugged hills of Eagle creek. The grading of these hills during the ap-

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proaching season, which it is believed may be done at not exceeding \$3,000 per mile, is considered by the Board a measure of paramount importance.

Owingsville and Big Sandy road.—There is reported to be due for work done on this road, including debts due for superintendence, &c., of \$8,741. The State has paid the full amount of its subscription, and therefore owes nothing to the company: but the contracts were made under the expectation that the State would make further appropriations—and the company had reason to expect this from the language of the law appropriating the last \$50,000 to this object.

Suits have been brought against the company, subjecting them to great annoyance and embarrassment. Nearly all the stock in this road belongs to the State, and therefore it is believed to be sound policy to disembarrass the company by discharging such portion of the debts as may remain due after the individual and county subscriptions shall been have exhausted.

About 28 miles of this road has never been put under contract. It is not considered expedient to grade this for the present. The most of it is a good firm road: but some inconsiderable portions of it need improvement greatly, in order to render the finished parts, which are now detached from each other, the more useful to the public.

It is believed that about \$4,000 might be profitably expended on the parts alluded to, which would be sufficient for all the purposes for which it is now used.

Application has been made to lease a part of this road—the lessee to keep it in repair, and to pay a certain price per annum, &c. The Board have no power to lease out this, or any other road, with or without the consent of the stockholders, or they might, in some instances, deem it expedient to do so.

There are two short sections of the road, leading from Louisville to the Tennessee line, which is not under contract; the grading of which would appear to be an object of paramount importance, though other portions are clearly entitled to great consideration.

One of those sections is near to Munfordsville, including the hills on each side of Green river, and about a half mile in length. The other near Bowlinggreen, 112 poles in length, including the Barren river hill. These short peices of road the Board think ought to be graded without delay. The expense would be about \$4,500.

As it respects the location to be made of that section near Bowlinggreen, there may arise some difficulty between the private bridge company and the road company. Should the road be so located as to pass over this bridge, it will greatly enhance the value of that stock, at the expense of the turnpike company, by reason of the severe exactions, which, by the charter of the bridge company, they are authorized to make to the detriment of the public and to the citizens of Bowlinggreen.

If no arrangement can be made with this company to remove these difficulties, and place the two companies on a footing of equality, it is doubted by the Board whether any steps should be taken to grade this road, especially to the bridge alluded to.

There was an appropriation by the Legislature of \$18,000 to the Crab Orchard and Cumberland Gap road. The Board have directed \$8,000 of this to be applied to the improvement of the road between Mrs. Pitman's tavern and the Cumberland Gap; and this was to be considered as a part of the \$40,000 previously appropriated by the Legislature to that part of the

road. The remaining \$10,000 was to be applied to the improvement of that part of the road between Crab Orchard and Mrs. Pitman's, provided

the private stockholders would pay their proportion of the expense.

Conditional contracts were entered into, between two and three years ago, for making a new road around, or over the hills, &c., where changes or improvements were considered most necessary. One of the Resident Engineers, then in the service of the State, was directed to lay out the work upon such parts of the route as the Chief Engineer should designate, and to assist the President and Directors of the Turnpike Road Company in making contracts. The road was laid out, and contracts were made with a provision that the work should not be commenced until means were provided to pay the State's proportion of the expense. As the Board have had no funds which they could apply to the payment of expenses upon this road, these contracts were not approved, and they had not been under the consideration of the Board until they were required to make provision for the application of the funds applied by the last Legislature. The Chief Engineer was then directed to examine the whole line of road, with a view to ascertain what parts required first to be improved, and whether the private stockholders would pay their subscriptions. During his examination he was informed that the agreement with the contractors embraced a provision which the Board could not sanction. They refused to approve the contracts and required of the company to cause them to be set aside.

The Board are not advised whether the Turnpike Road Company have complied with this request or not, and in consequence, no money has been

The part of the road which requires improvement most, is between the Crab Orchard and Mrs. Pitman's. Upon this, the Board have no authority to expend money in any other way than to pay it over as one of the stockholders in the road company, and this can only be done after the Board have satisfactory evidence that private stockholders have paid their proportion of the subscription. No information has been received of the payment of any portion of the private subscription.

The Board are of opinion that some improvement should be made upon parts of this road as soon as practicable, and as it is doubtful whether the private stockholders, under existing circumstances, can pay their proportion of the subscription, the Board would recommend to the Legislature that authority be given to expend the funds appropriated by the act of the last ses-

sion without requiring the payment of private stockholders.

Having set forth to the Senate the views entertained by the Board as to what sections of the several turnpikes referred to, and not under contract, it would be most expedient and proper to construct, it remains only to refer to the accompanying schedule, marked B, to enable the Senate to determine what is best to be done towards the further construction of that class of

turnpikes which are under contract.

A claim was presented to the Board by the President of the Glasgow and and Scottsville Turnpike Road Company, during the last summer, for twenty thousand dollars, appropriated by an act, "further to provide for the Internal Improvement of the State," approved 16th February, 1838, for the purpose of completing that road to the Tennessee line. It was stated that contracts had been entered into under the faith of that appropriation, believing the same to be a donation to the road, and not depending e

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upon individual subscription, and that the contractors were in great distress for want of their just earnings. Upon the best consideration the Board was enabled to give to the subject, and with a sincere desire to relieve the suffering contractors, provided they had a right to do so, they decided against the existence of any such right on their part, in consequence of which, it is understood those contractors are still unpaid. If, as the Board supposes to have been the case, this contract was made by the local Board under a misconstruction of the law, the case is nevertheless exceedingly hard upon the contractors, and the Board most cheerfully would have paid the claim, if they had not put a different construction on the law, and upon their own powers over the matter, than that which appears to have been placed on the same by the local Board. Under these circumstances, the Board do not hesitate to recommend this claim to the favorable consideration of the Legislature, anxious that no meritorious contractor shall be permitted to suffer in such a case.

It is understood that about five miles of the road from Louisville, by way of the mouth of Salt river, to Elizabethtown, has been graded, and some stone broken and prepared to be placed upon it. It is believed that some portions of this interval will answer without stoning while other parts thereof, will, on account of the peculiarity of the soil, require to be paved with stone. The Board are opinion that the attention of the Legislature should be espicially directed to this part of that important road.

That there are intervals of other roads which have escaped the attention of the Board, equally entitled to Legislative consideration, can hardly be doubted.

After all, the Board would be faithless to itself, and unfaithful to the Senate, did they not in all frankness add, that much of what they have recommended, ought, in their humble opinion, to depend for its success mainly upon the value of the bonds hereafter to be put in market.

As citizens of Kentucky, anxious above all things to preserve without a blemish the high character of this time honored Commonwealth, we would regret that any recommendation of ours should in the least degree have a tendency to bring reproach upon her fair escutcheon, or in anywise to do injustice to those who may receive or hold her obligations to pay.

The Board decline to recommend the sale of bonds at any considerable sacrifice, knowing as they do, that but for the general distrust of all State credit, resulting from the action of other States, our bonds ought to, and would bring at least their par value.

"It is better to bear the ills we have than fly to those we know not of."
"Though the world should fall let truth and justice prevail."

In reply to so much of the resolution of the Senate as relates to the number of Engineers and Agents retained in the service, the Board have to state that there is one Chief Engineer, commissioned by the Governor with the approval of the Senate, for three years, whose term will expire on the 20th of February, 1843—his salary is \$2,500 per annum. Up to the 26th day of June last, there were three Resident Engineers in the service—the one on the Kentucky river receiving a salary of \$2,250 per annum; each of the others receiving \$1,500. The services of the Resident Engineer upon the Green and Barren rivers was dispensed with after the day of June last; and an order was made on the 18th inst. to dispense with the further services of the Resident Engineers upon the Kentucky and Licking rivers, as

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soon, as in the opinion of the Chief Engineer, it could be done without detriment to the public interests—which order has just been carried into effect. All the Resident Engineers and other Agents hold their appointments at the pleasure of the Board and Chief Engineer. There still remains in the service, in addition to the Chief Engineer, one Assistant, who has under his charge the management and control of the roads which were transferred to the Board, and has a variety of other duties to discharge under the directions of the Chief Engineer. His salary is \$1,000 per annum, and expenses not exceeding \$400. Also an Assistant Resident Engineer upon the Green and Barren rivers with the same salary, and expenses not exceeding \$200 per annum. The other temporary agents are employed from time to time as particular demands may require, and dismissed at the pleasure of the Chief Engineer and the Board.

There must be, on each of the rivers, an assistant Engineer to fulfil the requirements of the contracts, and the absolute necessities of the case.

It is believed, however, that the services upon the Kentucky river can after a short time be rendered by the assistant road Engineer, under the supervising control of the Chief. It is also believed that a young gentleman whose industry and fidelity has been well tested while acting as superintendent and assistant upon the Licking river, will be competent, under the supervision of the Chief, to discharge all the duties necessary to that navigation hereafter. His salary will, of course, be \$1,000 per annum.

The Board hesitated in the spring whether it was not their duty to dispense with the further services of the Resident Engineer upon the Kentucky river, on the ground that there was not sufficient employment on that river to justify his retention.

On the other hand, admonished by the disastrous consequences which had followed a change of Resident Engineers upon the Green and Barren rivers, and aware of the importance of retaining in the service an individual in whose fidelity they had great confidence, to finish the works with which he had commenced, and was of course so familiar that no imposition could be practised upon him, they concluded it would not do to displace him at that critical period, lest the State might lose, by the operation, many times the amount of his salary.

To these considerations may be added the great importance to the State of completing lock and dam No. 1, without which all the works upon this river would have been of but little value.

The contractor on this work was well understood to be in bad credit. The Board could not, in safety, entrust the funds in his hands, lest it should be dissipated, or used to release mortgaged property, or in some way seized upon to pay his debts, instead of being employed in the prosecution of his contract. It was therefore thought to be best, under all the perplexing circumstances of the case, to retain Mr. Stealey as the Resident Engineer, and make him the agent of Mr. Barbour, with the consent of the latter, to make sale of the bonds and disburse the proceeds, so as to insure the application thereof to the construction of the work.

It is true, that but for this arrangement, there was not sufficient employment for Mr. Stealey to justify his retention in the service, and it may be added that the Board deemed his services by no means onerous, including his agency.

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In order to advance this particular work, the Board had to make an effort almost desperate in its character, and rather than to have failed in having it prepared for the navigation this season, they would have (and perhaps they have) strained their legal powers to the utmost limit, relying upon the intelligence and patriotism of the Legislature to sustain their efforts.

To add to our troubles in this perilous extremity, the Resident Engineer, in whom we had confided so much, became exceedingly restive and dissatisfied with his situation. His unceasing complaints and murmurings on account of his agency for Barbour, and in consequence of the refusal of the Board to allow a commission upon his disbursements, which to their astonishment he presented to them, (the services having been rendered as agent for the contractor,) induced the Board to make an order dispensing with the agency business, and appointing one of their own members (Gen. Dudley, who consented to perform that duty without remuneration,) in his stead.

Having another interview with Mr. Stealey after this step had been taken, he voluntarily took upon himself to renew his duties as agent for Barbour, and continued to do so until the — day of ——, when, without the knowledge of the Board, who would at any time have relieved him, he stuck up a card at the works, announcing that he would no longer be responsible as disbursing agent, &c., thus adding to the extraordinary difficulties of the case. The Board make these statements as a matter alike due to themselves and to the Legislature. They have strained every nerve to overcome the obstacles with which they have been beset. They have furnished to this disbursing agent the means to enable him to progress with that all-important work, until it is believed that nearly all of Barbour's retained per centage has been paid him, amounting to many thousands, before he had a right to expect it; and we seriously fear that our difficulties with that contractor is not even yet at an end.

There will be required for the present year, in addition to the Chief, an Assistant Engineer or Superintendent upon the Licking; one upon the works of Green and Barren rivers, up to the time of their completion, and one upon the Kentucky river and roads. In addition to these, there must be employed temporary Superintendents at places where large quantities of work may be required; and also Superintendents at inconsiderable per diem wages, for the manufacture of lime upon the Licking, whenever the mills

are in operation.

These will be sufficient to enable the Chief Engineer to execute the duties now assigned him.

All of which is respectfully submitted to the Senate, by their obedient servants,

THOMAS METCALFE, Pres. B. I. I. SAMUEL DAVIESS, P. DUDLEY.

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SCHEDULE A.

Statement showing the value of work done upon the Locks and Dams upon the Kentucky, Green and Barren, and Licking rivers; the amount paid, the amount due, and the amount required to complete the works:

KENTUCKY RIVER NAVIGATION.

	Value of work done.	Amount paid.	Amount due.
	Dollars,	Dollars.	Dollars,
Lock and Dam No. 1, Lock and Dam No. 3, Lock and Dam No. 4, Lock and Dam No. 5, Lock and Dam No. 5,	198,678 00 146,672 24 125,874 00 122,392 00 117,350 00	192,221 85 132,429 83 122,473 10 119,694 10 106,805 34	
Amount paid for land for lock sites, surveying and leveling, superintendence, freight on lime, clearing river banks and removing snags, Lime at Louisville,	710,966 24	59,842 43 53,978 76 16,627 47	37,342 02 *5,745 10
Whole amount paid, Amount required to pay for work yet to be done,		804,072 88	50,700 00
Balance of appropriation not expended,			93,787 12 31,335 68
Amount required to pay debts due, and to pay for work yet to be done, in addition to the balance of last year's appropriation,			62,451 44

^{*}This amount is due for money advanced by J. Hulme, to which is to be added the accruing interest.

A-Continued.

GREEN AND BARREN RIVER NAVIGATION.

	Value of work done.	Amount paid.	Amount due.
	Dollars.	Dollars.	Dollars.
Dam No. 1,	160,073 56 90,774 88 121,030 23 124,646 78 127,046 55	158,886 87 90,774 88 121,029 93 120,530 91 123,097 15	
nt paid by Green and Barren river Commission- for clearing river banks, hydraulic lime, and oth-	623,572 00	614,319 74	
onnected with the river navigation, d by Green and Barren river Commission-		92,625 13	
in their report of December, 1841, -ed, by the Resident Acting Engineer,		*706,944 87	
red, according to the report, to pay for			14,323 38
done,			45,708 00
complete the navigation, exclusive at Nos. 4 and 1, in Barren,			60,031 38

^{*} The expenses of manufacturing hydraulic lime, and salaries of Engineers, have been mostly paid by the Board of Internal Improvement, and the amount so paid is not included here.

A—Continued.

LICKING RIVER NAVIGATION.

	Value of work done.	Amount paid.	Amount due.
	Dollars.	Dollars.	Dollars.
Lock and Dam No. 1,	64,325 74 60,489 26 44,773 08 43,965 00 24,169 75 6,900 00 5,383 47 1,128 43 1,916 66 3,121 20 4,106 15 1,747 33 3,805 00 13,088 00 14,866 54 8,888 40	61,334 26 57,940 24 44,132 24 42,803 05 24,075 60 6,900 00 5,383 47 1,128 43 1,916 66 3,121 20 -4,106 15 1,747 33 3,865 00 13,088 00 14,866 54 8,888 40	7,437 36 270,247 24
			277,684 60
Deduct unexpended balance of last year's appropria-			19,000 00
Amount required to pay debts due, and to pay for work yet to be done, in addition to the balance of last year's appropriation,			258,684 60
Appropriations required, in addition to the balance of last year's appropriations, to pay the debts due upon the Kentucky, Green and Barren, ank Licking rivers, including the retained per centage, and to complete the works now under absolute contract: Kentucky river navigation, Green and Barren river navigation, Licking river navigation,			62,451 4 60,031 3 258,684 6 381,167 4

JOURNAL OF

THE

SENATE

SCHEDULE B.

Statement showing the amount of work done upon the several Turnpike Roads now in progress of construction, including the finished parts of such roads; the amount due to contractors and others; the amount paid by the State up to December 1st, 1841; the amount required from the State to pay its proportion of the debt now due; and the amount required to pay for work yet to be done to complete the present contracts, about two thirds of which will be due from the State.

2				Value of work done and ser- vices rendered	to contractors,	Amount due to contractors, &c.	Amount paid by the State.	Amount required from the State.	Amount required to pay for work under contract.
TURNPIKE ROA	DS.								
			The h	Dollars.	Dollars	Doll. Bs.	Dollars.	Dollars.	Dollars.
Owingsville and Big Sandy, (a) Maysville and Bracken, Maysville and Mt. Sterling, Georgetown and Williamstown, Williamstown and Covington, Lexington, Harrodsburg and Perryville, (d) Bardstown and Glasgow, (e) Glasgow and Scottsville to Tennessee line, Louisville to the mouth of Salt river, Mouth of Salt river to Elizabethtown, (f) Elizabethtown to Bell's tavern, Bell's tavern to Bowlinggreen, (g) Bowlinggreen to the Tennessee line, Logan Todd and Christian,				174,320 57,180 167,237 119,740 161,500 162,059 406,255 145,173 109,893 161,847 107,081 101,470 163,105	165,579 50,570 158,671 77,540 150,000 158,700 373,095 129,590 100,893 136,339 80,408 96,189 112,554	8,741 6,610 8,566 42,200 11,500 3,359 33,160 15,673 9,000 25,508 26,673 5,281 50,551	151,000 22,558 81,690 43,200 71,200 74,486 103,646 248,693 86,237 56,779 78,283 91,485 52,469 62,388 69,529	1,500 b 5,932 c 6,000 28,644 11,500 3,337 21,144 10,545 16,469 16,413 18,918 5,259 39,208 184,869	h9,368 h39,000 i41,455 i35,719 i65,000 i26,879 i14,000 i21,586 i121,544

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NOTES TO SCHEDULE B.

a The Board of Internal Improvement has paid the whole of the State's subscription to the stock of this company.

b There is a balance of the last year's appropriation of \$2,200 not paid. Additional appropriation required, \$3,732.

c There is a balance of the last year's appropriation of \$2,099 not paid. Additional appropriation required, \$3,900.

d No report from this road on the east side of the Kentucky river.

e There is a balance of the last year's appropriation of \$7,155 not paid. Additional appropriation required, \$13,989.

f No report from the roads from the mouth of Salt river to Elizabethtown.

g There is a balance of last year's appropriation of \$5,384 48 not paid. Additional appropriation required, \$13,533 52.

h The State pays three fifths of the cost of constructing these roads.

i The State pays two thirds of the cost of constructing these roads.

The amount required to pay the State's proportion of the debts due for work, &c., done upon the roads, not including the Lexington, Harrodsburg and Perryville road, and the road from the mouth of Salt river to Elizabethtown, and exclusive of the balance of last year's appropriation,

The amount required to pay the State's proportion of the cost of the work now under contract, exclusive of the roads above mentioned, and which remained to be done on the 1st December, 1841,

246,475

Amount required from the State to complete the contracts upon roads, exclusive of the two above mentioned,

\$414,506

Ordered, That the said report be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

1. Mr. B. B. Johnson presented the petition of Susan Trigg, praying the Legislature to remunerate her for the sum of five hundred dollars, subscribed and paid by her late husband, William Trigg, towards the building of the old State house.

2. Mr. Loving presented the petition of Joseph R. Underwood, praying the passage of a law authorizing him to vest the "Craddock fund" in the Warren County Court.

Which were received and referred: the 1st to the committee on Finance, and the 2d to the committee on the Judiciary.

Mr. Pirtle, from the committee on Federal Relations, to whom was referred preamble and resolutions, read and laid on the table on the 19th instant by Mr. Garth, in relation to the widows of Revolutionary Soldiers, reported the same with the opinion of the committee that it ought not to be adopted. The said preamble and resolutions were disagreed to.

Mr. Pirtle, from the committee on Banks reported the following preamble and resolutions, to wit:

WHEREAS, in the year 1835, the Bank of Kentucky did constitute the Schuylkill Bank at Philadelphia its agent for the transfer of the stock of said Bank in the said city, and during such agency, as it is represented to this General Assembly, the said Schuylkill Bank did issue a large amount of spurious and false certificates of said stock for her own emolument, as it is alleged, and in fraud of all persons into whose hands said false and spurious certificates, or certificates renewed thereon should come, and in fraud of the said Bank of Kentucky: And, whereas, it is thought that the Bank of Kentucky may be rendered liable, in law or equity, to the holders of such spurious certificates of stock, or that she may be subjected to annoying litigation on account thereof, and it is desirable that justice should be rendered to said Bank, as well as to the persons who may innocently hold such certificates; and it is represented that, although a suit was instituted in a court of Pennsylvania, long since by the Bank of Kentucky, against the Schuylkill Bank, to have remedy for said fraud, the effectual remedy demanded by justice cannot be had, because the courts of Pennsylvania do not, from their organization, possess the power necessary for a case so complicated and so novel in its character-wherefore,

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That the General Assembly of the Commonwealth of Pennsylvania be requested to pass such a law as shall authorize the proper tribunal of that Commonwealth, to entertain jurisdiction of such a form of suit as shall be necessary to redress this great wrong, both on behalf of the Bank of Kentucky, and the innocent holders of said certificates; and that said tribunal may be authorized to grant all necessary restraining orders against said Schuylkill Bank, and have effects, books and papers attached, and held subject to the order of said tribunal, if to justice it should be necessary; and in making this request, Kentucky does, respectfully, appeal to the justice of

Pennsylvania.

2. Resolved, That his Excellency, the Governor, be requested to transmit a transcript hereof to his Excellency, the Governor of Pennsylvania, together with a printed report of the President and Directors of the Bank of Kentucky, on the subject of their demand against the Schuylkill Bank, with a request that he will lay the same before the General Assembly of Pennsylvania.

Which was twice read and adopted. After a short time a message was received from the House of Representatives, announcing that they had concurred in the adoption of said preamble and resolutions.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act more effectually to prevent slaves from carrying arms.

An act for the benefit of the County Court of Wayne.

Reported the same with an amendment to each.

The amendment to the former bill being amended, the said bill and amendment were laid on the table until the first day of June next.

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The amendment to the latter bill was concurred in.

Ordered, That the latter bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the relief of Edward Rumsey, administrator of Richard Elliott, deceased, and the said bill was referred to the committee on Military Affairs.

Mr. Pirtle, from the committee on the Judiciary, reported the following bills, to wit:

1. A bill for the benefit of Jailey Watson, and others.

2. A bill to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

3. A bill to regulate the licensing of Attorneys and Counsellors at law.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bills were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill to amend the several acts concerning divorces, reported the same with an amendment. The said bill was placed in the orders of the day, and the Public Printer ordered to print 150 copies of said amendment for the use of the General Assembly.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined preamble and resolutions in relation to water rotted hemp, and preamble and resolutions on the subject of the spurious issue of stock of the Bank of Kentucky by the Schuylkill Bank, and had found the same truly enrolled.

The Speaker of the House of Representatives having signed the same, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of William McCleland, and others.

An act for the benefit of Edmund O. Hawkins.

An act for the benefit of William M. Poyntz, and for other purposes.

An act for the benefit of Louisa J. Reece.

An act for the benefit of William Bradley.

An act confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

An act for the benefit of Sylvania Floyd.

An act to change the terms of the Jefferson Circuit Court, and for other purposes.

An act for the benefit of the Clerks of the Washington and Marion Circuit Courts.

An act for the recording of commissioners' deeds in the County Court Clerks' offices.

An act for the benefit of Oscar Turner.

An act for the benefit of Louisa Warder.

An act for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatley.

An act for the benefit of Pouncy Nuckols, and others.

Approved January 22, 1842.

The Senate resumed the consideration of the motion of Mr. Garth, for leave to bring in a bill to amend the law permitting slaves to be brought into the State of Kentucky.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, James, Sterett,
Bennett, Jesup, Sympson,
Burnett, Johnson, B. B. Wallace,
Garth, McAfee, Walker. J

Garth, McAfee, Walker, J. V. Griffith, Pratt, Williams, M—15.

Those who voted in the negative, were-

Messrs. Clarke,
Craddock,
Dyer,
Hardin,
Huston,

Johnston, G. W.
Loving,
Pirtle,
Walker, C. J.
Williams, S. L-13

Messrs. Garth, James and Burnett were appointed a committee to prepare and bring in the said bill.

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Mr. James read and laid on the table the following resolution, to wit:

Resolved by the Senate and House of Representatives, That a standing committee be appointed, to consist of two from the Senate and four from the House of Representatives, to act as a joint committee, and to be styled the "committee on the Public Printing."

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

Mr. Payne presented the petition of William Gosling, praying for the passage of a law changing his name—which was received and referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Payne—1. A bill for the benefit of the widow and heirs of Benjamin Hart, deceased.

On the motion of Mr. Griffith—2. A bill to incorporate the Trustees of Henderson College.

On the motion of Mr. McAfee—3. A bill to authorize advertisements to be published in Crithfield's Christian Family Library and Journal of Biblical Science.

On the motion of Mr. Huston—4. A bill for the benefit of the Sheriff of Bullitt county.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Education the 2d; the committee on Finance the 4th, and Messrs. McAfee, Clarke and Bailey were appointed a committee to prepare and bring in the 3d.

On the motion of Mr. Clarke,

WHEREAS, it is deemed highly important to the interest of the State, that a uniform rate of tolls should be fixed by law, as far as practicable, on all the turnpike roads in which the Commonwealth is interested,

Resolved, therefore, by the Senate, That the Board of Internal Improvement be requested to furnish this House, as early as practicable, with a schedule of a rate of tolls which, in their opinion, ought to be charged on said roads, and such other and further views as they may deem necessary to render said roads productive and secure the interest of the State therein.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

To the Senate and House of Representatives:

By the request of the Governor of Indiana, I transmit, herewith, a joint resolution of the Legislature of that State, on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois.

R. P. LETCHER.

January 24, 1842.

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A Joint resolution on the subject of the resumption of specie payments by the States of Ohio, Kentucky and Illinois.

WHEREAS, the General Assembly of the State of Indiana, at its present session, is taken measures, contemplating an early resumption of specie payments by the Banks of this State—therefore,

Resolved by the General Assembly of the State of Indiana, That the Legislatures of the States of Ohio, Kentucky and Illinois, be respectfully requested to take measures to secure an early resumption of specie payments by the Banks of their States, respectively.

Resolved, further, That his Excellency, the Governor, be requested to forward a copy of this joint resolution to the Executives of the aforesaid States, with a request that they will lay it before the Legislatures of their respective States.

(Signed,)

JOHN W. DAVIS,
Speaker House Representatives.
SAMUEL HALL,
President of the Senate.

Approved December 23, 1841. SAM. BIGGER.

Ordered, That the said message be referred to the committee on Banks.

And then the Senate adjourned.

TUESDAY, JANUARY 25, 1842.

A message was received from the House of Representatives, announcing that they had adhered to their diagreement to the amendment proposed by the Senate to preamble and resolutions in relation to the Bankrupt Law, and the law distributing the proceeds of the sales of the public lands.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

An act for the benefit of Alexander Burnam.

That they had disagreed to a bill from the Senate, entitled, an act for the benefit of John McCall, and others.

That they had passed bills from the Senate of the following titles, to wit: An act to incorporate the Trustees of Clay Village Seminary.

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An act for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike Road Company.

An act for the benefit of Wilson M. Taylor's heirs.

With an amendment to the last named bill.

That they had passed bills of the following titles, to wit:

An act for the benefit of Thomas B. Megowan.

An act to establish election precincts in the counties of Calloway and Edmonson.

An act for the benefit of E. W. Dowden.

That they had appointed a committee of conference, on their part, on the bill from the Senate, entitled, an act to amend the law concerning the probate of wills, and the amendment of the House thereto.

And that they had concurred in the resolution from the Senate to appoint a joint committee on the Public Printing.

Mr. J. S. Morgan presented the petition of a number of Justices of the Peace in the county of Nicholas, praying that the number of Justices in said county may be reduced—which was received and referred to the committee on Propositions and Grievances.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled preambles and resolutions which originated in the Senate, on the subject of the spurious issue of stock of the Bank of Kentucky by the Schuylkill Bank, and in relation to water rotted hemp.

Approved January 24, 1842.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Joseph C. Stiles, reported the same with the opinion that it ought not to pass.

The said bill was amended, and ordered to be read a third time, as amended. The constitutional rule as to the third reading was dispensed with.

Mr. Garth moved to lay the said bill on the table until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey, Craddock, Garth, Hardin, Morgan, J. S. Pirtle,

Sterett, Sympson, Young—9. n

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Those who voted in the negative, were-

Messrs. Alexander,	James,	Rodes,
Bennett,	Jesup,	Slaughter,
Burnett,	Johnson, B. B.	Wallace,
Clarke,	Johnston, G. W.	Walker, C. J.
Dver,	Loving,	Walker, J. V.
Griffith,	McAfee,	Williams, M.
Hughes,	Pratt,	Williams, S. L-22
Huston		

The question was then taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander	Huston,	Rodes,
Bennett,	James,	Slaughter,
Burnett,	Jesup,	Wallace,
Clarke,	Johnson, B. B.	Walker, C. J.
Dyer,	Johnston, G. W.	Walker, J. V.
Garth,	Loving,	Williams, M.
Griffith,	McAfee,	Williams, S. L-23
Hughes;	Pratt,	

Those who voted in the negative, were-

Messrs. Bailey,	Morgan, D.	Sterett,
Craddock,	Morgan, J. S.	Sympson,
Hardin,	Pirtle,	Young-9.

Resolved, That the title of the said bill be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of the Lancaster Presbyterian Church, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Bennett Rose, deceased, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

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Mr. Pirtle, from the same committee, to whom was referred a bill to amend the law granting license to Pedlars, reported the same with an amendment, which was concurred in, and the said bill was re-committed to the committee on the Judiciary.

Mr. Pirtle, from the same committee, reported the following bills, viz:

- 1. A bill to change the names of William Goslin, his wife and son.
- 2. A bill for the benefit of the widow and infant heirs of Benjamin Hart, deceased.
 - 3. A bill to invest the Craddock Fund.

Mr. J. V. Walker, from the committee of Propositions and Grievances, reported—4. Λ bill allowing an additional Constable to the county of Nicholas.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 3d bill being dispensed with, it was referred to the committee on Finance.

The constitutional rule as to the second and third readings of the Ist, 2d and 4th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred the petition of James T. Chism, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Bailey, from the joint committee of Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of Henry Smith, and others.

An act to legalize the marriage of Elisha Breeding, and Belinda Stamper, and for other purposes.

An act to amend an act, entitled, an act authorizing the several County Courts of this Commonwealth to permit gates to be erected on certain roads.

An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

An act for the benefit of Alexander Burnam.

An act for the divorce of Jerusha Foster.

An act for the divorce and change of name of Fidelia Isbell.

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An act to dissolve the marriage contract between Cynthia Wester and Samuel Wester and to change the name of said Cynthia.

An act declaring copies of foreign wills, recorded in the County Courts of this State, evidence.

An act for the benefit of Jane Myers.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

Messrs. James and Rodes were appointed a committee, on the part of the Senate, on the Public Printing.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Crittenden, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

And then the Senate adjourned.

i Deprison at signature of the tracer

WEDNESDAY, JANUARY 26, 1842.

C PRINCIPLE OF A PARTY

A message was received from the House of Representatives, announcing that they had disagreed to bills from the Senate of the following titles, viz:

An act further to regulate the terms of the Fayette, Scott and Owen Circuit Courts, and for other purposes.

An act further to regulate proceedings in civil actions.

That they had passed bills from the Senate of the following titles, viz:

An act to authorize and enable the city of Louisville to erect Water Works.

An act to allow Jonathan Davidson a change of venue.

With an amendment to the last named bill.

And that they had passed a bill, entitled, an act to repeal a part of an act regulating the Christian Academy, approved January 31st, 1828.

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The Speaker laid before the Senate the following communication of M. R. Stealey, viz:

FRANKFORT, January 26th, 1842.

SIR:

I have this moment seen a printed report of the Board of Internal Improvement, made in response to a resolution of the Senate of the 20th inst.

That portion of it which relates to myself contains inaccuraces, and the omission of a date, from which circumstances combined, inferences of an injurious and unmerited character might be drawn, to the prejudice of an humble individial. That those inaccuracies and omissions were inadvertent, I cannot, for a moment doubt, and would therefore respectfully request yourself, and the honorable body over which you preside, to withhold your judgment for a short time, until farther information shall be laid before you. Very respectfully,

M. R. STEALEY.

Hon. Manlius V. Thomson, Speaker of the Senate.

Which was referred to the committee on Internal Improvement.

1. Mr. J. S. Morgan presented the petition of William French, praying for a divorce from his wife.

2. Mr. Burnett presented the petition of sundry citizens, praying for the passage of a law to regulate the town of Cadiz.

3. Mr. G. W. Johnston, presented the petition of William Quissenberry, praying for a divorce from his wife.

Which were received and referred; the 1st and 3d to the committee on Religion, and the 2d to the committee on the Judiciary.

Mr. Clarke, from the committee of Internal Improvement, reported a bill for the benefit of Lewis V. Wernwag-which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the question was taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The year and nays being required thereon by Messrs. Garth and Alexander, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Bailey, Bennett, Clarke, Craddock,	Johnston, G. W. Loving, Morgan, J. S, Pirtle, Pratt,	Rodes, Slaughter, Wallace, Walker, C. J. Williams, M—16,
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Those who voted in the negative, were-

Messrs. Burnett,	Huston,	Sterett,
Garth,	James,	Sympson,
Hanson, Ca	Jesup,	Walker, J. V.
Hardin,	Johnson, B. B.	Young—14.
Hughes,	McAfee,	

Mr. G. W. Johnston, from the committee on Finance, reported the following bills, viz:

1. A bill to amend an act providing that the fines and forfeitures, in this Commonwealth, shall be a fund for the payment of Jurors, approved February 15, 1838.

2. A bill to amend an act providing that estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

3. A bill for the benefit of William Beatty.

4. A bill for the benefit of Lud Fore.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Finance; the 2d to the committee on the Judiciary; the 3d was ordered to be engrossed and read a third time, and the 4th was placed in the orders of the day.

The constitutional rule as to the third reading of the 3d bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Coonrod Havens, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid,

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the House of Representatives, entitled, an act to establish the county of Crittenden, and for other purposes, and had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said bill, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty,

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Mr. D. Morgan, from the committee on the Penitentiary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the officers and guards of the Penitentiary, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Garth—1. A bill for the benefit of Andrew I. James of Pulaski county.

On the motion of Mr. Hughes—2. A bill to establish a Collegiate Institute in the town of Lagrange, in Oldham county.

On the motion of Mr. Hanson—3. A bill for the benefit of George W. Bush, and his securities.

On the motion of Mr. James—4. A bill to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river.

On the motion of Mr. McAfee—5. A bill to authorize the sale of the Republican Church in the town of Harrodsburg.

On the motion of Mr. Pratt—6. A bill for the benefit of the Georgetown Light Infantry.

The committee of Finance was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d and 5th; the committee on Military Affairs the 3d and 6th, and Messrs. James, Craddock and Garth were appointed a committee to prepare and bring in the 4th.

Mr. Loving read and laid on the table the following resolution, viz:

Resolved, That a joint committee of one from the Senate, and two from the House of Representatives, be appointed, to settle the accounts of the Board of Green and Barren river Commissioners; that they be authorized to receive the books and papers from the Secretrry of said board, and in conjunction with the Board of Internal Improvement, to examine the same, and report whether said examination shall prove satisfactory or not. They shall also examine into, and report the date of the resignation of James R. Skiles as President of said Green river board, and what action was had upon his letter of resignation by the Board of Internal Improvement. They shall also report the nature and extent of their duties and responsibilities, and whether the same have been faithfully discharged or otherwise; and if satisfactory, report a bill cancelling the official bonds of the members of said board, executed and filed in the Ohio County Court Clerks' office. They shall also report the amount of compensation received by each member, and whether any further compensation be due to either or any of the members of said board, and report by bill or otherwise.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

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Mr. Wallace, from the committee on Military Affairs, reported a bill for the benefit of Thomas G. Tupman and his securities—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill to amend the law granting license to Pedlars, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

And then the Senate adjourned.

THURSDAY, JANUARY 27, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to wit:

An act for the benefit of Alexander Burnam.

An act disolving the marriage contract between Cynthia Wester and Samuel Wester, and to change the name of said Cynthia.

An act for the divorce and change of name of Fidelia Isbell.

An act to legalize the marriage of Elisha Breeding and Belinda Stamper, and for other purposes.

An act for the benefit of Henry Smith, and others.

An act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

An act to amend an act, entitled, an act authorizing the several county courts of this Commonwealth to permit gates to be erected on certain roads.

An act for the divorce of Jerusha Foster.

An act for the benefit of Jane Myers.

An act declaring copies of foreign wills, recorded in the County Courts of this State, evidence.

Approved January 25, 1842.

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That they had passed bills of the following titles, to wit:

An act for the benefit of Nancy Moore.

An act to prevent druggists, &c. from selling poisonous drugs to slaves and minors.

An act to repeal the act of the 22d January, 1829, dispensing with a seal to a record filed in the Court of Appeals.

An act to amend the law regulating the conveyance of lands sold by Sheriffs.

An act to extend the June term of the Union Circuit Court, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the third reading being dispensed with, the said bills were referred to the committee on the Judiciary.

1. Mr. Slaughter presented the petition of Benjamin Doom, praying to be released from a bond for the return of public arms.

2. Mr. Huston presented the petition of sundry citizens of Bullitt county, praying for the passage of a law against usury and brokers.

3. Mr. Griffith presented the memorial of sundry citizens, praying the Legislature to instruct our Senators, and request our Representatives in Congress, to vote for a repeal of the Bankrupt Law.

4. Mr. Wallace presented the petition of sundry citizens of Boone county praying for the passage of a law more effectually to protect them against the encroachments of the Abolitionists.

5. Mr. Loving presented the petition of sundry citizens, praying indemnity to the contractors on the public works, for losses sustained by them.

6. Mr. Payne presented the petition of John C. Young and E. H. Watson, praying for indemnity for lands injured by the dams on the Kentucky river.

7. Also—the petition of the Mayor, Marshal, and others, of the city of Maysville, praying for a change of the charter of said city.

8. Also—the petition of sundry citizens of Lewis county, praying for a revision of the license laws.

Which were severally received and referred: the 1st to the committee on Military Affairs; the 2d, 4th and 7th to the committee on the Judiciary; the 3d to the committee on Federal Relations; the 5th and 6th to the committee on Internal Improvement, and the 8th to the committee on Finance

Mr. Clarke, from the committee on Internal Improvement, reported a bill concerning the Lexington and Ohio railroad—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on Internal Improvement, and

the Public Printer directed to print 150 copies thereof, for the use of the General Assembly.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill to invest the Craddock Fund, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. McAfee, from the committee on Education, to whom was referred a bill to amend the several laws establishing Common Schools, reported the same with an amendment, which was amended and concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Pratt,
Bailey,	James,	Rodes,
Bennett,	Jesup,	Slaughter,
Burnett,	Johnson, B. B.	Sterett,
Clarke,	Johnston, G. W.	Sympson,
Craddock,	Loving,	Wallace.
Dyer,	McAfee,	Walker, C. J.
Griffith,	Morgan, D.	Walker, J. V.
Hanson,	Morgan, J. S.	Williams, M.
Hardin,	Payne,	Williams, S. L.
Hughes,	Pirtle,	Young-33.

Mr. Garth voted in the negative.

Resolved, That the title of the said bill be as aforesaid.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the relief of Edward Rumsey, administrator of Richard Elliott, deceased, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

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The following bills were reported, to wit:

By Mr. M. Williams—1. A bill to amend the act, entititled, an act to amend an act reserving certain property from execution, and for other purposes, approved February 16th, 1841.

By Mr. James—2. A bill to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties

west of the Tennessee river, approved February 10th, 1841.

By Mr. McAfee—3. A bill to authorize advertisements to be published in the Clarion, and Critchfield's Christian Family Library and Journal of Biblical Science.

By Mr. Pirtle-4. A bill to incorporate the Pilot's and Commercial Insurance Company.

Which bills were severally read the first time, and ordered to be read a

second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 4th were referred to the committee on the Judiciary, and the 2d and 3d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d and 3d bills be-

ing dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Craddock—I. A bill to withdraw the Stock of this State from the Banks, and to charter the Sinking Fund Bank of Kentucky, based upon said stock.

On the motion of Mr. J. S. Morgan—2. A bill to authorize the county Surveyors of this Commonwealth to administer oaths in certain cases, and

for other purposes.

Also—3. A bill to allow the Sheriff of Nicholas county further time to make out and return his delinquent list.

On the motion of Mr. Sterett—4. A bill to regulate the duties of Clerks of Circuit Courts.

Also-5. A bill to incorporate the Seminary of Hawesville.

On the motion of Mr. Bennett—6. A bill to change Banklick road so as to intersect the Lexington and Covington turnpike road by Craig street, in the city of Covington.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d and 4th; the committee on Finance the 3d and 5th, and the committee on Internal Improvement the 6th.

On the motion of Mr. Sympson,

Resolved, That the Auditor be requested to make out and report to the Senate, the entire amount which has been paid to Jurors in this Common-

wealth, since the passage of the act of the 29th of February, 1836, providing for the payment of Jurors, stating, in said report, the amount paid each year, and designating, in his report, the amount paid out of the Public Treasury, and the amount received from other sources and paid by the several Trustees of the Jury Fund.

On the motion of Mr. James.

Resolved, That the committee on Finance be instructed to enquire into the expediency and propriety of changing the mode of compensating commissioners of tax.

Mr. James presented a report of the Auditor on the above subject, which was referred to the committee of Finance, and the Public Printer directed to print 150 copies thereof, for the use of the General Assembly.

Bills from the House of Representatives of the following titles were severally read the first time, viz:

1. An act for the benefit of Thomas B. Megowan.

2. An act to establish election precincts in the counties of Calloway and Edmonson,

3. An act for the benefit of E. W. Dowden.

4. An act to repeal a part of an act regulating the Christian Academy, approved January 31st, 1828.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 3d were referred to the committee on Finance; the 2d to the committee of Privileges and Elections, and the 4th to the committee on Education.

Preamble and resolutions in relation to the Bankrupt Law and the law distributing the proceeds of the sales of the public lands, and the amendment of the Senate thereto, were taken up.

Mr. G. W. Johnston moved that the Senate adhere to their amendment. The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs, Pratt and Rodes, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Rodes,
Bennett,	Johnston, G. W.	Slaughter,
Clarke,	Loving,	Walker, J. V.
Craddock,	Morgan, D.	Williams, M.
Dyer,	Morgan, J. S.	Williams, S. L.
Hanson,	Payne,	Young-20.
Hardin,	Pirtle.	Toung 20.

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Those who voted in the negative, were-

Messrs. Bailey,	James,	Sterett,
Burnett,	Johnson, B. B.	Sympson,
Garth,	McAfee,	Wallace,
Hughes,	Pratt,	Walker, C. J-12.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills of the following titles, viz:

An act for the benefit of Wilson M. Taylor's heirs.

An act to allow Jonathan Davidson a change of venue.

A bill more effectually to protect the right of suffrage was taken up, an amendment was offered thereto, and said bill and amendment were referred to the committee on the Judiciary.

Engrossed bills of the following titles, were severally read the third time, to wit:

An act to regulate the licensing of Attorneys and Counsellors at law.

An act further to amend the law concerning Pedlars.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill to amend the several acts concerning divorces was taken up. The amendment reported from the committee on Religion was amended and concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Owen and Casey counties, was re-committed to the committee on Finance.

And then the Senate adjourned, .

FRIDAY, JANUARY 28, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed an enrolled bill which originated in that House, entitled, an act to establish the county of Crittenden, and for other purposes.

Approved January 26, 1842.

That they had passed bills from the Senate of the following titles, to wit: An act for the benefit of William M. and Eleanor Griggs.

An act for the benefit of George M. Lambert.

That they had passed bills of the following titles, to wit;

- 1. An act for the benefit of James K. Gallion, late Sheriff of Whitley county.
- 2. An act for the benefit of Solomon Rodes, former Sheriff of Muhlenburg county.
 - 3. An act for the divorce and change of name of Malinda Lane.
 - 4. An act for the benefit of the Beargrass Baptist Church.
 - 5. An act for the divorce of Alexander Johnson.
 - 6. An act for the divorce of Rezin Jackson.
 - 7. An act for the benefit of Temple G. and Sophia Priest.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 2d were referred to the committee on Finance; the 3d, 5th, 6th and 7th to the committee on Religion, and the 4th to the committee on the Judiciary.

The Speaker laid before the Senate the following communication from the Second Auditor, viz:

Revenue Department, Auditor's Office, Frankfort, January 28th, 1842.

SIR :

Enclosed, I send a report in obedience to a resolution of the Senate on yesterday.

Very respectfully,

Your obedient servant, THO. S. PAGE, Second Auditor.

Hon. Manlius V. Thomson,

Lieutenant Governor and Speaker of the Senate.

REVENUE DEPARTMENT, AUDITOR'S OFFICE, Frankfort, 28th January, 1842.

In obedience to the following resolution-

" IN SENATE, January 27, 1842.

"Resolved, That the Auditor be requested to make out and report to the "Senate, the entire amount which has been paid to Jurors in this Common-" wealth since the passage of the act of the 29th February, 1836, providing "for the payment of Jurors; stating in said report, the amount paid each

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"year, and designating, in his report, the amount paid out of the Public "Treasury, and the amount received from other sources, and paid by the "several Trustees of the Jury Fund"—this report is respectfully submitted:

Jurors paid in 1836,	-			\$ 123 50)
Jurors paid in 1837,	-		7	15,638 2	8
Jurors paid in 1838,	-	7		27,351 68	8
Jurors paid in 1840,	-	-	57	40 0	
				1000	
This amount paid at the T	reasury	under	acts of	1836 and	A 10 150 10
1837,	-	-	-	01.150	\$43,153 46
Jurors paid in 1838,			=	34,456 19	
Commissioners to Trustees	s,		.	1,722 0	
Clerks' fees paid,	-	-		447 3	
				4	- 36,625 46
Jurors paid in 1839,	+	7		38,765 0	
Commissioners to Trustees	s,	7	+	2,189 0	4
Clerks' fees paid,		- 21.157		1,220 6	7
				-	- 42,174 79
Jurors paid in 1840,	-	*	-	37,281 5	0
Commissioners to Trustees	s.			2,004 6	6
Clerks' fees paid,				1,425 9	3
Olorita 1808 Para,					40,712 09
Jurors paid in 1841,				38,770 13	
Commissioners to Trustees			-	1,969 8	
Clerks' fees paid,				1,238 7	
Cicins icos para,					41,978 67
Jurors, &c. paid as above in under the act of 183 by the Trustees of th	38 and	amend	1840 ar atory ac	nd 1841, are ets, and paid	
					A CHARLES

Total paid,			(4 4 4	\$204,644 47
1000 41.	T	be Tour Dan	d received fo	

In the year 1838, the Tr	ustees of	the Ju	ry Fund	l received for	
Fines and forfeitures,				\$10,998 89	
Jury fees, -				5,408 19	
From Clerks of Courts,		-		13,917 64	
					\$30,324 72
In the year 1839, for					
Fines and forfeitures,			-	12,753 86	
Jury fees -			*	6,345 77	
From Clerks of Courts,				17,078 48	
					36,178 11
In the year 1840, for	r—				
Fines and forfeitures,			• 1	10,227 33	
Jury fees,	7.			5,352 17	
From Clerks of Courts,		-		19,918 99	
					35,498 49

Amount carried forward, - - \$102,001 32

20,694 18

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JAN. 28.] JOURNAL OF II	TE SEL	AIE.		103
Amount brought forward, In the year 1841, for—	-	4		\$102,001 32
Fines and forfeitures,		\$8,243	81	
		4,199		
Jury fees,		23,841		
Figure Clerks of Courts,		20,011		36,284 06
In the year 1838, there are twelve counturns; in the year 1839, eight counturns; in the year 1840, four countiturns; and for those absent returns I ports from the same counties, but of for the year 1841, the returns are ne being only two counties delinquent, a made from them.	ties that es that have su different arly con	made no made no bstituted t years; and the plete, the	re- re- and ere	
In the year 1838, the Trustees of the Jureceived from the Treasury, for defici-			00	
Jury Fund, In the year 1839, the Trustees of the Jureceived from the Treasury, for deficit		\$2,111		
Jury Fund, In the year 1840, the Trustees of the Ju	ry Fund	7,757	34	
received from the Treasury, for deficing Jury Fund, In the year 1841, the Trustees of the Jury		6,929	42	12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
received from the Treasury, for defici			33	90.004.19

Total paid to the Trustees of the Jury Fund from all sources, \$158,979 56

The foregoing report, except for the year 1841, will be found to be the same as reported by me during the session, 1840-41, under a similar resolution from the Senate.

THO. S. PAGE, Second Auditor.

The Speaker laid before the Senate the following communication from the Secretary of State, viz:

Office of the Secretary of State, January 27, 1842.

The Secretary of State has the honor to transmit to the Senate, statements from the Bank of Kentucky, the Northern Bank of Kentucky, and the Band of Louisville, showing the liabilities and resources of said Banks at the several periods mentioned in said statements.

J. HARLAN, Secretary of State.

Hon. M. V. Thomson, Speaker of the Senate.

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Ordered, That the said communication be referred to the committee on Banks.

Mr. McAfee presented the petition of John W. Hickman, praying for a divorce from his wife—which was received and referred to the committee on Religion.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to extend the June term of the Union Circuit Court, and for other purposes.

An act for the benefit of Nancy Moore.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the act of the 22d January, 1829, dispensing with a seal to a record filed in the Court of Appeals, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

.Mr. Hanson, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act to amend the law regulating the conveyance of lands sold by Sheriffs.

An act to prevent druggists, &c. from selling peisonous drugs to slaves and minors.

Reported the same with amendments, which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, reported a bill to regulate the town of Cadiz—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill to incorporate the Pilot's and Commercial Insurance Company, reported the same without amendment. n

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Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Matthew Neale, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Garth and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs, Alexander,	Hughes,	Palmer,
Burnett,	James,	Williams, M.
Garth,	Johnson, B. B.	Young-11.
Griffith,	McAfee,	

Those who voted in the negative, were-

Messrs. Bennett,	Loving,	Slaughter,
Clarke,	Morgan, J. S.	Sterett,
Craddock,	Payne,	Sympson,
Hanson,	Pirtle,	Wallace,
Hardin,	Pratt,	Walker, C. J.
Huston,	Rice,	Walker, J. V.
Jesup,	Rodes,	Williams, S. L-22
Tohnston C W		

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

EXECUTIVE OFFICE,

January 28, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Benjamin Barner, William Smedley, James Mills, Wesley B. King, and William Gordon, to be Trustees of the Cumberland Hospital for the ensuing year.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish election precincts in the counties of Calloway and Edmonson, reported the same without amendment.

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Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Rodes, from the committee on Religion, reported a bill for the benefit of William Quisenberry—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Aaron Allison, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of the said bill and it was decided in the negative, and so the said bill was disagreed to.

Mr. Rodes, from the same committee, to whom was referred the petition of John E. Long, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in, and leave was given to withdraw the said petition.

Ordered, That the leave to bring in a bill for the benefit of Zachariah White, be re-committed to the committee on Internal Improvement.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Thomas B. Megowan.

An act for the benefit of E. W. Dowden.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. G. W. Johnston, from the same committee, reported a bill to incorporate the Trustees of Hawesville Seminary—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. G. W. Johnston, from the same committee, to whom was referred a

bill to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors, approved February 15th, 1838, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Payne presented the petition of Debrah Worley, praying for a divorce—which was received and referred to the committee on Religion.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Huston—1. A bill for the benefit of James I. Wood, Coroner of Spencer county.

Also-2. A bill for the benefit of Charles B. May, Surveyor of Spencer county.

On the motion of Mr. Sympson—3. A bill to amend the law in relation to negroes, mulattoes and Indians carrying arms in this Commonwealth.

On the motion of Mr. Pirtle—4. A bill to amend the law concerning changes of venue.

On the motion of Mr. Craddock—5. A bill to give more time to the Hardin Circuit Court.

On the motion of Mr. Loving—6. A bill to authorize the taking and reading of the depositions of the Cashiers of the respective Banks of this Commonwealth in suits at common law,

On the motion of Mr. J. S. Morgan—7. A bill for the benefit of L. Smith. On the motion of Mr. James—8. A bill to change the time of holding the Circuit Courts in the 16th Judicial District.

On the motion of Mr. B. B. Johnson—9. A bill to establish the line between Franklin and Scott counties.

Messrs. Huston, G. W. Johnston and Palmer were appointed a committee to prepare and bring in the 1st and 2d; the committee on the Judiciary was directed to prepare and bring in the 3d, 4th, 5th and 6th; the committee on Education the 7th; Messrs. James, Griffith and M. Williams were appointed a committee to prepare and bring in the 8th, and Messrs. B. B. Johnson, Pratt and Huston the 9th.

Mr. Rice read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 22d day of February, they will adjourn without day.

The Speaker laid before the Senate a communication from the Board of Internal Improvement, in response to a resolution of the Senate of the 24th instant, which is as follows to wit:

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Office of the Board of Internal Improvement, Frankfort, January 1842.

Hon. M. V. THOMSON,

Speaker of the Senate:

Sin:—In compliance with the request contained in the resolution of the Senate of the 24th inst., that the Board of Internal Improvement furnish, as early as practicable, a schedule of the rates of toll which in their opinion ought to be charged upon the turnpike roads of this Commonwealth, &c., the Board ask leave, respectfully, to submit the following report:

The accompanying schedule, marked A, contains the rates fixed by the Board. This schedule assumes for its basis, the *power* by which the load is drawn, as the most practicable and convenient plan for regulating the tolls, as nearly as may be, according to weight.

It is true that this plan will not carry out the principle designed, with entire and unerring precision; but it is believed to be the nearest approach we can make to that object, without putting up scales at each gate to weigh the passing loads.

The accompanying table marked B, is intended to elucidate and explain the views of the Board, and to demonstrate the correctness of the principle contended for.

The road from Maysville to Lexington has been selected as fit and proper, upon which to make the demonstration. It is sixty-three miles in length and has thirteen gates upon it, including the one at the Licking bridge. The rates set forth in the table B, are not indentical with those in the schedule A. They vary however, but little, and are intended merely to test the soundness of the principle.

The Board have taken more than ordinary pains to arrive at the truth as to the usual weight of a load drawn by 1, 2, 3, 4, 5 and 6 horse power, respectively, upon the road alluded to; and they believe that the amount of loading, as specified in the table B, will be found as near the reality as practicable. Notwithstanding the reduction of existing rates upon the feeble, and augmentation thereof upon the strong power, the latter still retains the advantage over the former.

It is obvious that the proposed change will do much to remove the objection made to turnpikes by the farmers of the country. In most places the turnpikes are so located as to occupy the ancient route or right of way, which the farmers had been accustomed to use as freely as the air they breathed; and now, by reason of high tolls and rigid exactions upon their ordinary neighborhood business, with light and empty wagons and other vehicles, they are nearly excluded from the use of the turnpikes, and a monopoly of all the business done upon them secured to the strong power. Take away this monopoly—let the weaker power come into fair competition with the strong, and all the well founded prejudices of every community through which the turnpikes pass, will disappear.

Is it not singular that a monopoly, so very advantageous, should be secured to the heavy ladened wagons, which, more than any thing else, destroys the road? Yielding at the same time, a sum much too small to repair the damages.

The metal upon the face of the turnpikes, when fairly consolidated, forms a crust nearly as firm as the solid rock, and soon becomes impervious to the water. This crust varies from 5 to 8 or 9 inches in thickness-all light and empty wagons or earts pass over it, making little or no impression upon its face; whereas, the heavy loading indents and breaks this crust, permitting the water to penetrate and pass through it, saturating the soil beneath

so as to render it unfit for the support of the metal.

The Board would give it as their opinion, that the injury done to the old and well consolidated turnpikes by the broad tread heavy wagon, is but little less than the injury done by the narrow tread, carrying the same weight. In wet weather it does less damage; in dry weather, as much if not more, especially after the road has been freshly repaired. The broad tread, bearing a load from 10 to 14,000 pounds, and passing over the broken rocks which lie upon the face of a hard dry road, crushes them at once into dust, which is swept off by winds or rain, having been of no possible

Upon the article of firewood, and all the marketing products of the farm, the Board recommend a reduction of the tolls considerably below the general standard. It is the policy adopted by some of our sister States, to make a discrimination in their rates of toll, favorable to the products of their own citizens. This is believed to be sound policy, and right in principle. Do this and grant to the various communities contiguous to the several gates, a release from the onerous and rigid exactions which are now, in some instances, imposed upon them for passing the nearest gate in their common every day intercourse, and the intelligent and patriotic farmers of Kentucky, will not only become reconciled to those improvements, but they will step forward with generous and manly cordiality, to give them their support; we shall soon hear but little of those recreant routes called shunpikes. The material for repairing will be furnished upon fair and reasonable terms, and a brighter sun will shine upon the future prospects of a more contented and happy people.

It will be seen by an examination of the accompanying schedule A, that in accordance with the same principle, the Board recommend that coaches of most capacity, and carrying the greatest number of passengers with their baggage, should be charged accordingly. We disclaim any wish to impose severe conditions upon the transportation of the mail. The mail proper, may be carried with at least as much safety and despatch in small as in large coaches. But there is no good reason why a monopoly of the transportation of persons, as now established, should be continued, to favor the

latter class.

Besides, it is known that upon some of our roads, the mail coaches are much less than upon others, and carry comparatively but few persons. There can be no good reason these coaches should pay as much as those that run between the most populous points, carrying from 8 to 18 passengers.

It is notorious that the Post Office Department is more benefitted by the turnpikes than any other interest in the country. The same power can carry the same weight, in the same time, at least double the distance, and with much more safety than formerly. The wear and tear is less, and the mail can be carried much cheaper. Then why give to the contractors the benefit of such a monopoly in the transportation of travellers, including our own citizens, who are in the first place taxed to make and repair the road,

and then doubly taxed for travelling upon them, by reason of this monopoly? Introduce the necessary competition by a reduction of the tolls upon all light vehicles. Increase them upon the large in proportion to their capacity, and the number of persons transported, and much will be done, as well for the benefit of the road, as to save the travelling and business intercourse of

the same country from a grinding imposition.

Let uniformity of rates be established upon the roads in the Common-monwealth, in accordance with the principles herein suggested, and not permit the companies to vary those rates from 18\frac{3}{4} cents, to 62\frac{1}{2} cents, and 75 cents, upon coaches of the same size, without regard to the number of passengers; correct similar discrepancies in the rates charged upon wagons and other vehicles; let equal justice be extended to the different sections of the State, and your improvements will become more popular, while your Sinking Fund will receive an increased amount from the proceeds.

The Board annex to this report the document marked C, copied from a communication received from A. M. January, one of the oldest commission merchants and most respectable citizens of Maysville, containing information, which, having been useful to themselves, they hope will be no less so to

the Senate.

All which is respectfully submitted.

THOMAS METCALFE, President.
SAMUEL DAVIESS,
PETER DUDLEY.

A

A schedule of the rates of toll to be charged on the different Turnpike Roads in which the State is a joint stockholder.

GENERAL TRAVELLING.

GENERAL TRAVELL				
For every horse or mule and rider, when the apart—and in the same proportion for to be furnished each gate keeper by the	any dis	stance-	the exac	e miles ct rates \$0 064
To be furnished each gate and privan				03
For each horse, jack, or mule, led or driven,				02
For each head of cattle,				
For each head of hogs, -				01
For every head of sheep,				$00\frac{1}{2}$
For every head of sheep,	gig or o	ther vel	nicle	
For every cart, wagon, barouche, dearborn,	313, 01	Juliet ve.	HOIO	121
drawn by one horse,				
Same ag last above when drawn by two hors	es or ox	ten,		20
For each family carriage or hackney coach	. emple	oved in	the	
For each failing carriage of hacking by two	horses		Harris Spile	25
transportation of persons, drawn by two	101303,	- ban de	0 ***	
Same, having seats within for four passenger	s omy,	when ai	awn	911
by four horses,		-		314
For each sleigh, drawn by one or two horses				$12\frac{1}{2}$
For each sieign, drawn by one of two natures				311/4
For each wagon, drawn by three horses,	ela de pa		Sept Single	50
Do do four horses,	-11		7	
Do do five horses,	1 to 1			683
Do do six horses,				871
Do do six norses;				ma as to the
The above for common or narrow tire.				

A-Continued.

Broad tread or tire.

For each wagon Do	five horses,	do	do .		$43\frac{3}{4}$ $62\frac{1}{2}$
Do	six horses,	do ·	do	1 0135	75
For each coach o	or stage having seat	s within fo	r 6 passenger	s only.	371
Same, with seat	s within for nine pa	assengers	only.		564
Come middle	s within for twelve	0			4

Upon all the above vehicles, drawn by four horses, two cents in addition, for each passenger over four, to be paid by the owner of the coach, but which may be commuted for a definite sum.

Neighborhood travel and hauling with common tire or tread.

For each wagon or	cart, loaded with	h grain, hay, o	or other	product	s of the
farm, when draw	wn by two horse	s or oxen, per	r trip, fo	r going	and re-
turning, -					\$0 371
Same, when drawn b	y three horses, p	er trip as abov	re, -		433
Do do	four horses,	, do	-		564
Do do	five horses,	do		4	75
Do do	six horses,	do .		E	1 00

Broad tread for neighborhood hauling.

For each wagon, loaded with wood, grain, hay, or other products of the farm, if drawn by four horses, per trip as above,	50
Same, drawn by five horses,	$62\frac{1}{2}$
Same, drawn by six horses,	871

В.

No. of horses.	Amount of toll at each gate.	Amount of tolls paid at I3 gates from Maysville to Lexington.	Amount of tolls on each 1000bs, from Maysville to Lexington.	Average weight of load,	Lowest price per 1001bs. for having from Maysville to Lexington.	Amount per load from Maysville to Lexington.	Net amount received after deducting tolls.
1 2 3 4 5 6	\$0 10 20 37½ 50 75 1 00	\$1 30 2 60 4 87½ 6 50 9 75 13 00	\$0 21\frac{1}{3} 15 13.3 10.8 11\frac{2}{3} 13	600 lbs 1,800 3,500 6,000 7,500 10,000	\$0 50 50 50 50 50 50 50 50	\$3 00 9 00 17 50 30 00 37 50 50 00	\$1 70 6 40 12 624 23 50 27 75 37 00

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A table showing the weight carried by four and six horse teams from Maysville to Lexington, the number of days it took to perform the trip, and the price per hundred pounds.

	Four horse team.	Six horse team.	Number of days.	Price per hundred pounds.
March, 1819,	2,000	2,800 3,500	6	\$1 25 50
March, 1820,	2,000	2,700	6	$1\ 12^{1}_{2}$
September, 1820,	2,200	3,200	4	1 00
	1,700	2,600	6	1 50
September, 1821,	2,400	3,800	4	75
March, 1822, -	2,100	3,100	6	1 25
September, 1822,	2,400	3,700	4	75
March, 1000,	1,800	2,800	6	1 50
September, 1823,	2,300	3,500	4	1 00
March, 1824,	1,600	2,500	6	2 00
September, 1824,	2,500	3,500	4	87
March, 1825, -	1,800	2,600	6	1 25
September, 1825,	2,500	3,600	4	50
March, 1826, -	1,800	2,700	6	1 50
September, 1826;	2,500	3,800	4	623 1 00
March, 1827, -	2,000	2,800	6	
September, 1827,	2,500	3,300	4	50
March, 1828,	2,000	2,800	6	1 25
September, 1828,	2,500	3,300	4	1 50
March, 1829, -	1,700	2,600	6	$150 \\ 62!$
September, 1829,	2,400	3,600	6	$1.50^{0.2}$
March, 1830, - September, 1830, -	1,700 2,400	2,500 3,300	4	75

1831, 1832, 1833, and 1834, during the construction of the turnpike, about same as above.

1835 and 1836, before the turnpike was consolidated, from 6,000 to 7,000 was the usual load throughout the year for six horses, and 4,000 for four horses.

1837, 1838, 1839, 1840, and 1841, 6,000 to 7,000 for four horses—for six horses 9,000 to 11,000, occasionally 12,000 to 14,000. The latter, however, are extraordinary loads. From 1835, the year the turnpike was finished, the time to perform the trip to Lexington was four days allowed them

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C-Continued.

in their receipts; but after completed, in three and a half days. The price for hauling from IS35, to the present time, has been generally $62\frac{1}{2}$ cents for dry goods, and 50 cents for heavy articles, such as salt, iron, nails, groceries, &c.

The time allowed to make the trip to Lexington and back, in the winter and spring months, previous to the construction of the turnpike, was from 14 to 15 days, including the days they loaded and unloaded; in the summer and fall, the same seasons, 10 days to make the trip. Since the turnpike has been completed 9 to 10 days, the year round, is the time required to make the trip to Lexington and back, including loading and unloading.

Ordered, That the said communication be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

An engrossed bill, entitled, an act for the benefit of Lewis V. Wernwag, was read a third time as follows, to wit:

Be it enacted by the General Assembly of the Commonwealth of Kentukcy, That the Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasurer for the sum of one thousand and eighty two dollars ninety five cents, in favor of Lewis V. Wernwag, for work and labor done by him on the bridge over the Kentucky river, near the mouth of Hickman creek; which sum shall be paid out of the Internal Improvement Fund of the State.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Jesup and Garth, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey, Clarke, Craddock, Dyer, Johnston, G. W. Loving,	Morgan, D. Morgan, J. S. Palmer, Payne, Rodes,	Slaughter, Wallace, Walker, C. J. Williams, M. Williams, S. L-16
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Those who voted in the negative, were-

Messrs. Burnett, Garth, Griffith,	Huston, James, Jesup.	Pratt, Rice,
Hanson, Hardin, Hughes,	Johnson, B. B. McAfee, Pirtle,	Sterett, Sympson, Walker, J. V Young—18.

And then the Senate adjourned.

SATURDAY, JANUARY 29, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to incorporate the Trustees of the Lancaster Presbyterian Church.

An act for the benefit of Coonrod Havens.

An act for the benefit of Joseph C. Stiles.

An act for the benefit of the County Court of Wayne.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Juliet Henry, executrix of Mathis W. Henry,

An act to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

An act allowing an additional Constable to the county of Nicholas.

With amendments to the last named bill.

That they had concurred in the adoption of a resolution from the Senate to appoint a committee to settle the accounts of the Board of Green and Barren river Commissioners.

That they had passed bills of the following titles, to wit:

An act for the benefit of James G. Hardy and James P. Bates.

An act for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

That they had adopted resolutions in relation to amendments to the Constitution of the United States.

Mr. Slaughter presented the petition of I. Hazeltine, executor of A. M. Elder, deceased, praying for the passage of a law to release the estate of said Elder from the penalty of a bond executed by him to the Commonwealth for the return of certain public arms—which was received and referred to the committee on Military Affairs.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the consideration of the leave, to them referred, to bring in a bill to authorize the depositions of the Clerks and Cashiers of Banks to be read as evidence in common law suits.

Mr. Young, from the committee on Religion, reported a bill for the divorce of William Fenwick—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

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Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

To the Senate and House of Representatives:

I have received from the Governor of Georgia, with a request to lay the same before the General Assembly, which I now do, a report on the "state of the republic," accompanied by nineteen resolutions disapproving of the acts and proceedings of the late extra session of Congress, and against the creation of a National Bank.

R. P. LETCHER.

January 29, 1842.

GEORGIA LEGISLATURE, 1841.

Report of the committee on the state of the Republic.

The committee on the State of the Republic, have had before it the political condition of the country, both in its General and State relations, and have deemed it necessary to submit the views entertained, in the following preamble and resolutions to the General Assembly, and to ask for them its concurrence.

The committee believe that recent events develope an organized and systematic determination, of which significant indications were offered at the late extra session of Congress, to discard the principles and policy proper to be observed in the administration of the General Government.

Additional acquisitions of power, not contemplated or designed by the framers of the Constitution—repudiated by the republicans of '98 and 1800, and wholly unnecessary to the vigor and efficiency of the administration of the Government, are avowed as among the cherished objects of the new political reform. To such an administration of the General Government, the Republican party have been opposed from the adoption of the Constitution; and time and experience have added innumerable proofs of the correctness of their principles, and the importance of their continued ascendancy to secure the safety and integrity of the American Union, and the sovereignty of each of the States of which it is composed.

Although at different periods in the history of the country, their principles have received temporary checks, very soon the recuperative energies of a people determined to be free, have surmounted the barriers and given them success. Ambitious and designing men have sometimes risen to power, and by torturing the Constitution, have enacted laws reckless of the provisions or prohibitions of that sacred instrument; but their career has been limited; their obnoxious measures indignantly condemned; their partial and unequal enactments repealed; and the Government transferred from federal to republican hands. It lights up and brightens the patriot's hope that this Gov-

ernment will endure, when he remembers how short lived has been the domination of assumed and constructive powers, and how soon those principles which are based upon their limitation, and which recognize the Constitution as their only legitimate source, have been re-established by the tri-

umphant verdict of the American people.

"Eternal vigilance," it is truly said, "is the price of liberty;" and it is only by the most unceasing zeal and laborious industry, rousing the latent republicanism of the land, and giving vigor to every movement, that so many and such signal victories have been achieved by the Republican party; enabling them to detect and expose the insiduous efforts of their opponents, first to mislead, and then to betray the people into the support of measures in direct hostility to their own rights, and calculated to devolve the most pernicious effects on the integrity and independence of the country.

The committee believe that a crisis has again arrived, sufficient to awaken the anxiety, excite the solicitude, and stimulate the exertions of every lover of free institutions and guarded limitations of power; and it is only by sounding the alarm in season, and apprising the people of the approaching and apprehended danger, that we may expect to arrest the evils which threaten the Republic, from the adoption of a system of measures at variance with the constitutional policy of the country, and fatal to the essen-

tial principles of our civil institutions.

A new administration, obtaining power by the most lavish promises of economy, retrenchment and reform, is scarcely in the possession of the ensigns of command, when its movements attract attention, and are sufficiently marked to afford cause for alarm to all acquainted with the elevated principles upon which the Government was founded, and competent to take an

enlarged view of its political relations.

The convocation of Congress, and the motive alleged for that act, that of supplying an exhausted treasury, and the immediate introduction and adoption of measures tending to defeat the pretended purpose for which it was convened, by draining the treasury, furnishes abundant proof to every man not blinded by party zeal, or dazzled with the lust of power, of a secret and premeditated design to consummate a system of most objectionable measures, of which the people had received no notice, and that were carefully concealed during the progress of the Presidental canvass. No more conclusive evidence is requisite to establish the mischievious views of the dominant party, and their full appreciation of the odious and unpopular character of the measures they intended thus surreptitiously to fasten on the country, than the particular period selected for the convocation of the late extra session-at the close of one of the most animated political conflicts ever witnessed, and before time was given to allay the bad passions it had engendered. The specious and pretendedly imperative reasons assigned for its call, and the real motives so soon developed, and so totally different, however they may be viewed by honest, though mistaken party zeal, must and will receive the stern condemnation of impartial history.

The system of legislation adopted was scarcely less reprehensible than the measures submitted. The infringement of the right of debate in the House of Representatives, denying to it the character of a deliberative body; the rapid and indecent haste with which the most important laws, of the most searching and pervading character, were passed; the combinations and organizations so anti-republican in their character, and so dangerous in their

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tendency, by which the support of one measure was made to depend upon that of another, thus securing the adoption of all-and the general unblushing and reckless management on the part of the majority, looking alone at the ends regardless of the means by which they were attained, have no parallel, it is believed, in the legislation of a people governed by a written constitution.

Not only have the rules of legislation adopted at the extra session of Congress—the character of the measures there proposed, and the unusual and extraordinary means resorted to, to secure their immediate passageimpressed with serious apprehensions the impartial individuals of every party, and led them to fear the introduction into the administration of the General Government of a spirit of persecution, of exclusiveness, and of despotic action, at variance with the wholesome rules of American policy; but these apprehensions have been immeasurably strengthened by bold avowals of a determination to render inefficient one of the important and independent

departments of the General Government.

It is not within the recollection of this committee that, at any period since the formation of this Government, or at any moment even of the most embittered party excitement, when encouraged and elevated by the flattering prospect of wielding without control the power of the country, there has been even a wish expressed, much less a determination avowed, by those who composed a majority of one branch of the Government, to abridge and impair the constitutional powers of a co-ordinate department; and to obliterate one of those checks and balances which give strength and stability to our admirable political system, the preservation of each of which, with all its original powers and functions, can alone perpetuate the peace, har-

mony and integrity of the American confederacy.

Rallying under the deceptive and delusive declaration of "the will of the nation, uncontrolled by the will of one man," it is sought to concentrate all power in the hands of one branch. Shall we destroy the veto power because it is exercised by one man? If so, why not with the same propriety, and for equally cogent reasons, destroy the power of the judiciary? It is a power equal in its sphere to either of the other two, and, in its negative operations, sometimes greater than both, as it may render the law void which has received the sanction both of Congress and the Executive, and this too, by the casting vote of one man, a single Judge. In this organization of our political system, there is safety, there is stability, deriving its weight from experience and sound philosophy; and yet an attempt is now making to abolish this power, and give exclusive control to one branch of the Government, and that the least stable of the three-thus converting our admirable system, with its three separate and independent departments, each restraining the excesses and correcting the errors of the other-a system which has secured to us happiness and prosperity at home, and political importance abroad, into a mere shadow, where every crude opinion may have weight; where inexpedient measures may be adopted, by aid of some influential impulse, as sudden and as short as it is violent; and where a party, in periods of excitement, and governed by the prevailing delusions of the times, may urge measures in direct hostility to the solid interests of the peo-

It has produced both regret and astonishment in the minds of this committee, that acquiescence in this step, which contemplates nothing less than a radical change in our form of government, by a concentration of its powers in one branch, instead of a division, as we now have it, into three, should have been not only readily yielded, but to our astonishment recommended by a distinguished citizen of Georgia, the Hon. John McPherson Berrien, now holding the station of a Senator in Congress of the United States. This committee deny that, in the course this Senator has pursued respecting the abolition or modification of the veto power, he consulted the wishes, the interests, or opinions of the people of Georgia.

This committee believe also, that the same honorable Senator, in the support of the nomination of Mr. Everett, as Minister to England, consulted neither the good of the country, nor the feelings and interests of a vast majority of his constituents. The ground upon which opposition to that appointment is based, is believed by this committee to be a sound one, which, if it had been carried out by the rejection of Mr. Everett, would have exercised a salutary influence in allaying abolition movements, and thus have

contributed both to the peace and security of the whole country.

It does indeed appear somewhat extraordinary to this committee, that while we are resisting the agitation of the abolition question in every form whatever, as unconstitutional, dangerous, and tending to the dissolution of our glorious Union, characterizing by the harshest epithets, all, who even by indirection, give to it the slightest countenance, a Southern Senator shold be found to contribute to the elevation of one so obnoxious to our feelings and so hostile to our interest, and particularly of an individual who has avowed his abolition principles, in their most imposing form and amplest extent.

This committee are compelled by an imperious sense of duty to express their unqualified disapprobation of the course of the honorable Senator upon the subject of a National Bank, and the bill to distribute the proceeds of the public lands among the States—the bankrupt bill, the revenue and loan bills, deeming the most of them unconstitutional, and all of them unjust, oppressive and highly injurious in their effects, affording indications not to be misunderstood, of the loose and dangerous constitutional opinions which he en-

tertains.

While this committee are sensibly impressed with the wisdom of the Constitution in prescribing such tenure to office as may guard against sudden ebulitions of feeling, or the violence of party triumph, they feel themselves relieved from the delicate and responsible task of instruction, in accepting the invitation of the honorable Senator, in his address to the people of the United States, wherein he invokes the action of the legislative councils of the sovereign States of the Union. This committee, fresh from their immediate constituents, and latest in communication with them, humbly claim to have ascertained the public will in relation to those great questions upon which the Senator has invoked the expression of that will; and in obedience to the Senator's requisition upon the representatives of the people, to exert themselves to give it effect, they feel bound, for the information of the Senator, to condemn, in decided terms, the action of the honorable Senator upon all the great measures which are made the subject matter of this report. Nor can the committee entertain the opinion, so adverse to the candor of the Senator in seeking the information, that the invocation was made, on his part under any other determination than to regard as obligatory the expres29.

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sion of the public will, and to give effect to that expression, or to yield his place to one who will.

This committee cannot withhold the expression of their approbation of the Executive for his inflexible adherence to his constitutional opinions, under the most embarrassing circumstances, upon the subject of a Bank of the United States, by which the country has been spared yet longer from the blighting curse of a vast monied corporation, with power to sway the interests and control the business of the people of every section of this extended republic. And the measures adopted by the party to which the President is attached, to bring disgrace and disrespect upon their official head, for the conscientious performance of a public duty, are not the least among the alarming indications which, in the opinion of this committee, ought to excite the apprehensions and enlist the exertions of the people.

The attempt made to bring odium upon the Chief Magistrate, by contumely cast upon him in the Halls of Congress—in newspapers of his own political stamp, repudiating the officer whom they had elevated to power—proclaiming him unworthy of confidence, for an exercise of the very authority which he had always claimed, of repairing the breach in the Constitution whenever an opportunity offered, does exhibit a disregard of one of the departments of the Government—a contempt for the established institutions of the land, and a recklessness of party spirit, so pregnant with mischief, that, if not arrested, will relax attachment to the laws, engender dissensions pernicious and incurable, among the supporters of a wholesome government, and operate to the destruction of all moral and political obligations—wherefore,

1st. Resolved, That this general Assembly, speaking in behalf of the whole people of Georgia, declares it undiminished confidence in the confederated system, which forms the Government of the United States.

2d. Resolved, That the system, as it now stands, purely administered, will protect the rights, and secure the interests and happiness of the whole people of the United States.

3d. Resolved, That the powers expressly granted by the Constitution, and the exercise of those without which the granted powers cannot be carried into effect, are amply sufficient for all the purposes of an useful and efficient administration of our Government; leaving to the States all the reserved powers.

4th. Resolved, That the distribution of the powers of the General Government into three distinct and independent heads, Executive, Legislative and Judicial, affords evidence of the wisdom of the framers of the Constitution, and is the only safeguard of sectional rights, personal interests, and private property; and that the destruction or modification of the power of either, rendering it less independent or less efficient in its operation, would destroy the harmony and stability of our whole political system.

5th. Resolved, That we view the attempt now making to abolish the veto power of the Executive branch, as a dangerous attack upon the liberties of the people, and hostile to the first principles of a republican government

6th. Resolved, That we deny the right of Congress to incorporate a Bank of the United States, by the name of a Fiscal agent, or a Fiscal Corporation, or by any other name, either in the District of Columbia, or in any of the States or any territory, with or without power to establish branches or

agencies, with or without the assent of the States, as being unauthorized by the letter and spirit of the Constitution, repudiated by the framers of that instrument, and as not necessary to collect, keep and disburse the public funds.

7th. Resolved, That the act for the distribution of the proceeds of the public lands among the States is unconstitutional, was intended to lead the way to the assumption of State debts, and to create a necessity for a pro-

tective tariff, and ought to be repealed.

Sth. Resolved, That the system of legislation by which the success of one measure is made to depend upon that of another, is not only improper and dangerous, but affords conclusive proof of the obnoxious character of some, if not all, of the measures owing their success to a species of political barter.

9th. Resolved, That our Senators in Congress be instructed, and our representatives requested, to vote against the establishment of a United States Bank, in every aspect and by every name that it may be presented, and that they use their exertions to effect a repeal of the distribution bill, the bankrupt bill, and so to modify and reduce the loan bill and revenue bill, as to limit the sum raised for the support of government to an amount only which economy in the public service may require.

10th. Resolved, That the Honorable John McPherson Berrien, in requiring a modification of the veto power of the Executive of the United States, has acted without consultation with either of the political parties in Georgia, and against the known wishes of a vast majority of the people of this

State.

11th. Resolved, That the opinions publicly proclaimed by Edward Everett, now Minister to England, of the power and the obligation of Congress to abolish slavery in the District of Columbia—to interdict the slave trade between the States, and to refuse the admission into the Union, of any Territory tolerating slavery, are unconstitutional in their character, subversive of the rights of the South, and if carried out, will destroy this Union. And that the Hon. John McPherson Berrien, in sustaining for an important appointment, an individual holding such obnoxious sentiments, has omitted a proper occasion to give an efficient check to such sentiments, and in so doing, has not truly represented the opinions or wishes of the people of Georgia, of either political party.

12th. Resolved, That in our opinion, the act passed by the present Congress at its late session, making a donation from the public treasury of \$25,000 to Mrs. Harrison, is unconstitutional, unequal and oppressive, and calculated to lead to the establishment of a civil Pension List, which will eventually saddle the people of this country with an unjust and enormous

debt.

13th. Resolved, That the bill passed by the same Congress, to borrow \$12,000,000, for the National Treasury, was not necessary to supply the wants of the Federal Government, if economically administered.

14th. Resolved, That the repeal of the act establishing the Independent Treasury, was a positive injury inflicted by the majority that passed it, upon the best interest of this country.

15th. Resolved, That the Whig Tariff or Revenue Bill, passed by the same Congress; is unconstitutional, oppressive; partial and unjust, because it

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was not needed to support a frugal administration of the General Government, and because it is protective and discriminating in its character.

16th. Resolved, That the appropriation for the Post Office Department was an unwise and prodigal expenditure of money, directly increasing the charges upon a treasury said to be already exhausted, and calculated to add additional weight to the burden of customs which now clog and encumber

our foreign importations.

17th. Resolved, That the cost of the extra session itself, is a burden without necessity upon the people; and resolved, that the "Hour Rule" commonly called the "Gag Law"—and the rule which permitted a majority of the House of Representatives in the late extra Congress, to take a Bill out of Committee "without debate" were infringements upon, and a violation of the liberty of speech, and the right of the constituent to be heard through his Representative.

18th. And therefore resolved, That condemning as we do, the principle and expediency of these measures we unequivocally condemn and repudiate

the party who thought proper to pass them upon the country.

19th. Resolved, That a copy of the foregoing preamble and resolutions, be forwarded by the Governor, to each of our Senators and Representatives in Congress; to the President of the United States, and to the Governors of each of the States of this Confederacy, to be laid before the Legislatures thereof.

In Senate, agreed to 30th November, 1841.

ROBERT M. ECHOLS,

President of the Senate.

Atteste—David J. Bailey, Secretary.

In House of Representatives, concurred in, 7th Dec. 1841.

WILLIAM B. WOFFORD,

Speaker House Representatives.

Atteste—Joseph Sturges, Clerk.

Approved December 14, 1841.

CHARLES J. McDONALD, Governor.

Ordered, That said message be referred to the committee on Federal Relations.

Mr. J. V. Walker, from the committee on Propositions and Grievances, reported a bill for the benefit of Samuel Lawler—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, the said bill was amended by way of engrossed ryder.

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Slaughter,
Bennett,	James,	Sympson,
Burnett,	Jesup,	Wallace,
Dyer,	Johnson, B. B.	Walker, C. J.
Garth,	McAfee,	Walker, J. V.
Griffith,	Palmer,	Williams, M.
Hanson,	Pratt,	Williams, S. L.
Hughes,	Rice,	Young-24.

Those who voted in the negative, were-

Messrs. Bailey,	Hardin,	Payne,
Clarke,	Loving,	Pirtle,
Craddock.	Morgan, J. S.	Sterett-9.

Resolved, That the title of the said bill be as aforesaid.

Mr. James, from the joint committee on the Public Printing, made the following report, to wit:

The joint committee on the Public Printing have had that subject under consideration, and ask leave to submit the following report:

In the discharge of the duties which your committee deemed incumbent upon them, their attention was first called to enquire, whether there exits any law fixing the price of this branch of the public service? Your committee, after diligent enquiry, have been unable to find any law establishing the prices for the Public Printing. In making this statement, they feel it their duty to say, that their attention has been called to a resolution which was adopted in the Senate, January 23, 1809, providing a bill of prices by which the Public Printer, or Printers, shall be hereafter settled with, exclusive of paper; said resoulution was, on the next day (24th January, 1809,) concurred in by the House of Representatives. As the above resolution was not to be found in the acts of the General Assembly of that session, your committee were induced to believe that it had not been laid before the Governor for his approval. They have caused the enrolled bills of that session to be laid before them; said resolution is not to be found amongst the resolutions approved at that session of the General Assembly. The resolution, above referred to, not having been approved by the Governor, cannot be recognized as having the force and effect of a law. The 26th section of the 3d article of the Constitution, is in the following words:

"Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the Governor; and, before it shall take effect, be approved by him; or, being disapproved, shall be re-passed by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill."

By reference to the Journals of 1824, your committee found a report made to the General Assembly by a committee of the two Houses, stating that the prices of the Public Printing were reduced as low as competition could reduce them in 1808, from which period they had remained uniform

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up to that time. Since that time, according to the evidence before your committee, the prices have remained the same, with the exception of token work. The prices as fixed by the resolution aforesaid, was for executing a token of paper at press, in all and every instance, 50 cents; and that was the price charged by the Public Printers until a larger size of paper was used. One page of our present Journals contains 1782 ems, and one page of the former Journals contained only 1323 ems. Since the large sized paper has been used, the Public Printer has charged 75 cents per token, but it should be borne in mind, that the same quantity of matter is now furnished for the same money.

It appears from the statement of the present Public Printer, that he has been unapprized of the resolution of ISO8, and has been governed by the prices as fixed by his predecessors, which were sanctioned in the report of 1824, before alluded to, as being in accordance with the resolution of January 24th, ISO9. Your committee ask further time to investigate this matter, and to enable them to prepare and report a bill of prices by which the Public Printing shall hereafter be done, would recommend a further post-ponement of the election of Public Printer.

THO. JAMES,
Chairman committee Senate.
WM. R. VANCE,
Chairman committee of H. R.

Mr. James read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the election of Public Officers be postponed until ——.

The rule of the Senate being dispensed with, the said resolution was taken up, the blank therein was filled with the words "Tuesday, the Sth day of February next. The said resolution, as amended, was twice read and adopted.

Mr. Rodes, from the committee on Religion, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act for the benefit of Temple G. and Sophia Priest.

An act for the divorce of Willis Isbell.

An act for the divorce of Mary Jane Owen.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, reported the following bills, to wit:

A bill to divorce Catharine Pepper, and to change her name.

A bill for the benefit of John W. Hickman.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as

aforesaid.

Mr. Rodes, from the same committee, to whom was referred the petition of Elizabeth Adman, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Mr. Pirtle moved to amend the said resolution by striking out the words "be rejected," and inserting "is reasonable."

The question being taken thereon, it was decided in the affirmative. Ordered, That said committee report a bill pursuant to said petition.

After a short time Mr. Rodes reported a bill for the benefit of Elizabeth Adman—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was ordered to be engrossed and read a third time.

The said bill is as follows, to wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Elizabeth Adman be, and she is hereby, divorced from her husband, Benjamin Adman, and that she be restored to her maiden name of Elizabeth Wade.

The constitutional rule as to the second reading of the said bill being dispensed with, the question was taken on the passage thereof, and decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Sterett and M. Williams, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,
Clarke,
Garth,
Hanson,

James,
Wallace,
Walker, C. J.
Williams, S. L-10

Those who voted in the negative, were-

Messrs. Craddock,
Hardin,
Huston,
Jesup,
Sterett,
Johnson, B. B.
Sympson,
Williams, M.
Williams, M.
Young—11.

On the motion of Mr. Hardin, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the divorce of Aaron Allison. The said bill having been returned to the Senate, Mr Hughes moved to re-consider the vote by which said bill was disagreed to, and the question being taken thereon, it was decided in the negative.

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A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution from the Senate to postpone the election of Public Officers.

A bill from the Senate, entitled, an act allowing an additional Constable to the county of Nicholas, together with the amendments proposed thereto by the House of Representatives, was taken up and referred to the committee on the Judiciary.

Bills from the House of Representatives of the following titles, viz: An act for the benefit of James G. Hardy and James P. Bates.

An act for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading of said bills being dispensed with, they were referred to the committee on Military Affairs.

Ordered, That the resolutions from the House of Representatives in relation to amendments to the Constitution of the United States, be referred to a committee of the whole House on the state of the Commonwealth, and made the order of the day for Tuesday next.

And then the Senate adjourned.

MONDAY, JANUARY 31, 1842.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of the widow and infant children of Benjamin Hart, deceased.

That they had passed bills of the following titles, to wit:

- 1. An act to regulate the salaries of certain officers of this Common-wealth, and to increase the resources of the Sinking Fund.
- 2. An act to change the time of commencing the August term of the Green Circuit Court.
 - 3. An act for the benefit of the Coroner and Surveyor of Greenup county.
- 4. An act for the benefit of the administrator and securities of Richard Oldham, deceased.
- 5. An act to establish the county lines between the counties of Greenup, Carter and Lawrence.
- 6. An act to bound the Germantown election precinct in the county of Mason.

- 7. An act to amend an act, entitled, an act for the benefit of E. Barnes, Peter Able, P. C. Slaughter, Z. Wlixox, and others.
 - 8. An act for the benefit of the Sheriff of Ohio county.
 - 9. An act for the benefit of the town of Somerset.
 - 10. An act to change the names of the children of Rachel W. Stegall,
- 11. An act amending the law authorizing John W. Weddell to lay off a town on his lands, and for other purposes.
- 12. An act to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.
- 13. An act authorizing the lease or purchase of a lot of ground for the use of the Penitentiary.
- 14. An act to authorize the County Court of Daviess to change the location of a State road.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was referred to the committee on the Sinking Fund; the 2d, 3d, 9th, 11th and 12th to the committee on the Judiciary; the 4th to the committee on Military Affairs; the 5th and 10th to the committee on Propositions and Grievances; the 6th to the committee on Privileges and Elections; the 7th and 14th to the committee on Internal Improvement; the 8th to the committee on Finance, and the 13th bill was ordered to be read a third time.

The constitutional rule as to the third reading of the 13th bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

- 1. Mr. G. W. Johnston presented the petition of John Hall's executors, praying for the passage of a law to release the estate of said Hall from the penalty of a bond executed to the Commonwealth for the return of certain public arms.
- 2. Mr. Pirtle presented the petition of W. S. Wolford, praying for the passage of a law to release him from the penalty of a bond executed to the Commonwealth for the return of certain public arms.
- 3. Mr. Huston presented the petition of sundry citizens of Spencer county, praying that an additional Constable be allowed to said county.
- 4. Mr. Pirtle presented the petition of John Fonda, praying for the passage of a law to enable him to adopt one John Edwin Blumenthal as his son, and to inherit his property, and that the name of said Blumenthal be changed to that of John Blumenthal Fonda.
- 5. Mr. Clarke presented the petition of Melvin L. Hiter, administrator of Reuben Wharton, deceased, praying for the passage of a law to sell a lot of ground for the benefit of the said Wharton's wife and children.

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Which were received and referred: the 1st and 2d to the committee on Military Affairs, and the 3d, 4th and 5th to the committee on the Judiciary.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Beargrass Baptist Church, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill more effectually to protect the right of suffrage, reported the same with amendments, which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred bills of the following titles, viz:

A bill to amend the law on the subject of usury.

A bill to amend the law in relation to the assignment of notes, &c.

Reported the same without amendment, and the said bills were placed in the orders of the day.

Mr. Payne, from the same committee, to whom was referred a bill to regulate the rate of conventional interest, reported the same with amendments, and the said bill was placed in the orders of the day.

On the motion of Mr. Clarke, the committee on Internal Improvement was discharged from the duty of preparing and bringing in a bill to amend an act, entitled, an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the State line, in the direction of Nashville, approved February 2d, 1833.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Solomon Rodes, former Sheriff of Muhlenburg county.

An act for the benefit of James K. Gallion, late Sheriff of Whitley county. Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

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Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to repeal a part of an act regulating the Christian Academy, approved January 31st, 1828, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hughes, from the same committee, reported a bill to incorporate the Funk Seminary-which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was ordered to be engrossed and read a third time.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James G. Hardy and James P. Bates, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill to amend an act providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes, reported the same without amendment.

The said bill was amended and ordered to be engrossed and read a third

time.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

> EXECUTIVE OFFICE, January 31, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, James B. Woolfolk to be Sheriff of the county of Meade, the court having failed to recommend agreeably to the Constitution. R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Executive Office, January 31st, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, John Mannen to be Major General of the 7th Division, in place of William Ratliffe, resigned.

Thomas F. Richeson to be Lieutenant Colonel of the 58th Regiment, in

place of James M. Braine, not confirmed by the Senate.

William Crow to be Major of the 58th Regiment, in place of Thomas F. Richeson, if promoted,

Hayden J. Roberts to be Colonel of the 63d Legiment, in place of Willis

P. Blanks, resigned.

Thomas B. Dodds to be Lieutenant Colonel of the 63d Regiment, in place Hayden J. Roberts, if promoted.

Andrew Mars to be Colonel of the 114th Regiment, in place of Lewis C.

Roberts, resigned.

Robert McClary to be Lieutenant Colonel of the 114th Regiment, in place of Andrew Mars, if promoted.

Standley Moore to be Major of the 114th Regiment, in place of Robert

McClary, if promoted.

Robert Prater to be Major of the 115th Regiment, in place of John McGuire, resigned.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

The following bills were reported from select committees, to wit:

By Mr. B. B. Johnson—I. A bill to establish the true line between Franklin and Scott counties.

By Mr. Garth—2. A bill to amend the law concerning the jurisdiction of Magistrates for sums under an appeal.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was placed in the orders of the day, and the second was committed to the committee on the Judiciary.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Hardin—1. A bill for the benefit of the widow and heirs of Asa Pittman, deceased, and James Frazier.

On the motion of Mr. S. L. Williams—2. A bill for the benefit of the Methodist Episcopal Church at Mountsterling.

On the motion of Mr. Hanson—3. A bill for the benefit of Paulina G. Rodes and her children.

On the motion of Mr. Bennett—4. A bill to incorporate the Methodist Episcopal Church in the city of Covington.

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t. nt. lan, On the motion of Mr. Palmer—5. A bill for the benefit of Elias Davison, and others.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d and 3d; the committee on Religion the 4th, and the committee on Internal Improvement the 5th.

The resolution for an adjournment of the General Assembly, read and laid on the table by Mr. Rice on the 28th instant, was taken up, twice read and

adopted.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolution which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of William M. and Eleanor Griggs.

An act for the benefit of George M. Lambert.

An act to allow Jonathan Davidson a change of venue.

An act to incorporate the Trustees of Clay Village Seminary.

An act to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

An act for the benefit of Juliet Henry, executrix of Mathis W. Henry,

deceased.

An act for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike Road Company.

An act for the benefit of Wilson M. Taylor's heirs.

An act to authorize and enable the city of Louisville to erect Water Works.

A resolution to appoint a committee to settle the accounts of the Board

of Green and Barren river Commissioners.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

A bill to amend the law on the subject of usury was taken up and amend-

ed. The said bill is as follows, to wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act passed by the General Assembly of the Commonwealth of Kentucky, entitled, "an act to alter and amend the law concerning usury, approved the 6th of February, 1819," be, and the same is hereby repealed; and the law on the subject of usury, as it stood in this Commonwealth at the passage of said act, shall be, and the same is hereby, revived and declared to be in full force: Provided, That nothing contained in this act shall be construed to prevent the lender to recover of the borrower the amount loaned, with legal interest, by an action of assumpsit.

The question being taken on engrossing and reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Craddock and Payne, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Craddock, McAfee, Sympson,
Garth, Pirtle, Wallace,
Hughes, Pratt, Walker, J. V—10
Johnston, G. W.

Those who voted in the negative, were-

Messrs. Alexander,
Bennett,
Burnett,
Clarke,
Dyer,
Griffith,
Hanson,
Huston,
James,
Rodes,
Rodes,
Sterett,
Valker, C. J.
Walker, C. J.
Williams, M.
Williams, S. L.
Hanson,
Morgan, J. S.
Hardin,
Palmer,

A bill to regulate the rate of conventional interest was taken up. The amendments reported thereto by the committee on the Judiciary were concurred in. The said bill is as follows, to wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no person shall, hereafter, upon any contract, take, directly or indirectly, for loan or forbearance of any money, wares or merchandize, or any other commodity above the value of ten dollars, for each one hundred so loaned or forborne, for one year, and after that rate for a greater or less sum, or for a longer or shorter time: Provided, That no greater, than at the rate of six per cent. per annum, shall be collected, unless it is otherwise agreed upon and specified in writing: And, provided further, That if on any such contract, a greater rate of interest than ten per cent. as above provided for, should be reserved, received, or taken, the contract shall be deemed usurious, and there shall be no remedy at law, or in equity, for the recovery of any interest whatever: And, provided further, That all and every personal security that may have been taken to secure such usurious contract, shall be released and stand acquitted and discharged from the payment of said debt; and the plaintiff shall have no remedy in law or equity for the collection of the principal of said debt, but as against the principal in said obligation.

Sec. 2. Be it further enacted, That this act shall not be construed to ex-

tend to contracts already made.

Sec. 3. Be it further enacted, That should any person charge and receive a greater rate of interest than ten per cent. for any such loan or forbearance, as aforesaid, he, she, or they, so offending, shall forfeit and pay said sum paid as interest: first, to any creditor of the payor who may have an execution returned "no property found," who shall have the exclusive right, at any

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time within three months from the payment and reception of any such interest, to file a petition before any Justice of the Peace, under his equitable jurisdiction, when the amount in controversy is recognizable before him, or a bill in chancery in the Circuit Courts where they have jurisdiction, to subject said interest, or so much thereof, as may be necessary to the payment of his debt; and upon failure to sue therefor, within three months, the Commonwealth shall have a concurrent right with the creditors to recover the same, at any time within five years, by indictment or action of debt, before any court having jurisdiction in such cases; but the party who shall pay any usurious interest, over ten per centum, shall have the same right to recover it which now exists to recover usurious interest: Provided, That nothing herein contained shall subject the party, or his representatives, to whom such interest shall be paid, to repay more than the amount received, with interest thereon, at the rate of six per centum.

Mr. Rodes moved to amend the said bill by striking out ten, printed in italics, where it occurs in said bill, and inserting "nine."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Craddock and Rodes, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Craddock,	McAfee,	Rodes,
Garth,	Palmer,	Wallace,
Hughes,	Pratt,	Walker, J. V.—10
Johnston, G. W.		

Those who voted in the negative, were-

Messrs. Bennett,	James,	Pirtle,
Burnett,	Jesup,	Sterett,
Clarke,	Johnson, B. B.	Sympson,
Dyer,	Loving,	Walker, C. J.
Griffith,	Morgan, D.	Williams, M.
Hanson,	Morgan, J. S.	Williams, S. L.
Hardin,	Payne,	Young—22.
Huston.		

Mr. J. V. Walker moved to amend said bill by striking out ten, where it occurs in said bill, and inserting in lieu thereof, six.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Craddock and Payne, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Craddock,	Hughes,	McAfee,
Garth,	Johnston, G. W.	Walker, J. V6.

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Those who voted in the negative, were-

Messrs. Bennett,	Jesup,	Rodes,
Burnett,	Johnson, B. B.	Sterett,
Clarke,	Loving,	Sympson,
Dyer,	Morgan, D.	Wallace,
Griffith,	Morgan, J. S.	Walker, C. J.
Hanson,	Palmer,	Williams, M.
Hardin,	Payne,	Williams, S. L.
Huston,	Pirtle,	Young-26.
James,	Pratt,	

Mr. Garth then moved to amend the said bill by striking out ten, where it occurs in said bill, and inserting in lieu thereof, eight.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Craddock, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Craddock,	McAfee,	Pratt,
Garth,	Palmer,	Wallace,
Hughes, Johnston, G. W.	Pirtle,	Walker, J. V—10
Johnston, G. W.		

Those who voted in the negative, were-

Messrs. Alexander,	Huston,	Rodes,
Bennett,	James,	Sterett.
Burnett,	Jesup,	Sympson,
Clarke,	Johnson, B. B.	Walker, C. J.
Dyer,	Loving,	Williams, M.
Griffith,	Morgan, D.	Williams, S. L.
Hanson,	Morgan, J. S.	Young-23.
Hardin,	Payne,	

And then the Senate adjourned.

TUESDAY, FEBRUARY 1, 1842.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to wit:

An act to establish the county of Boyle, and for other purposes. An act to establish the county of Ballard. An act vacating certain lots in the town of Canton.

An act to vacate a part of the Town of Westport, and for other purposes.

And that they requested leave to withdraw the report of their disagreement to a bill from the Senate, entitled, an act for the benefit of William B. Dunlap—which leave was granted.

1. Mr. J. S. Morgan presented the petition of John B. Harris, praying for the passage of a law releasing him from the penalty of a bond executed to the Commonwealth for the return of certain public arms.

2. Mr. Pratt presented the petition of John Hughes, praying for the passage of a law granting him a change of venue.

3. Mr. Huston presented the petition of sundry citizens of Spencer county, praying that three additional Constables may be allowed to said county.

Which were received and referred: the 1st to the committee on Military Affairs; the 2d to the committee on the Judiciary, and the 3d to a select committee of Messrs. Huston, Slaughter and G. W. Johnston.

Mr. Hanson, from the committee on the Judiciary, to whom was referred, bills from the House of Representatives of the following titles, viz:

An act for the benefit of the town of Somerset.

An act to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.

An act amending the law authorizing John W. Weddell to lay off a town on his lands, and for other purposes.

An act for the benefit of the Coroner and Surveyor of Greenup county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the committee on the Judiciary, reported the following bills, to wit:

A bill for the benefit of the widow and heirs of Asa Pittman, deceased, and James Frazier.

A bill for the benefit of Christopher A. Rudd's widow and children.

A bill for the benefit of Polly Greenbee and her youngest children.

A bill to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

A bill to amend the charter of the city of Maysville.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

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Mr. Hanson, from the same committee, reported a bill allowing an additional Constable to Spencer county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read, an act allowing additional Constables to the counties of Spencer and Muhlenburg.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of Joseph C. Stiles.

An act for the benefit of Nancy Moore.

An act for the benefit of E. W. Dowden.

An act for the benefit of the County Court of Wayne.

An act to incorporate the Trustees of the Lancaster Presbyterian Church.

An act for the benefit of Coonrod Havens.

An act for the benefit of Coleman Graves.

An act for the benefit of William H. Bransford.

An act for the benefit of the heirs of Bennett Rose, deceased.

An act for the benefit of the officers and guards of the Penitentiary.

An act for the relief of Edward Rumsey, administrator of Richard Elliott, deceased.

An act to extend the June term of the Union Circuit Court, and for other purposes.

An act for the benefit of Thomas B. Megowan.

An act to establish election precincts in the counties of Calloway and Edmonson.

An act for the divorce of Willis Isbell.

An act for the divorce of Mary Jane Owen.

An act for the benefit of Temple G. and Sophia Priest.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills and a resolution which originated in the Senate of the following titles, viz:

An act for the benefit of William M. and Eleanor Griggs.

An act for the benefit of George M. Lambert.

An act to allow Jonathan Davidson a change of venue.

An act to incorporate the Trustees of Clay Village Seminary.

An act to authorize and enable the city of Louisville to erect Water Works.

An act for the benefit of Juliet Henry, executrix of Mathis W. Henry, deceased.

An act to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

An act for the benefit of Wilson M. Taylor's heirs.

An act for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike Road Company.

Approved January 31, 1842.

A resolution to appoint a committee to settle the accounts of the Board of Green and Barren river Commissioners.

Approved January 31, 1842.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of the resolution to enquire into the propriety of so amending the execution laws as to prohibit the sale of personal property under execution, unless it sells for two thirds of its value, and of giving longer time to redeem land sold under execution; and the said resolution was referred to a committee of Messrs. J. S. Morgan, Payne and Craddock.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill, entitled, an act allowing an additional Constable to the county of Nicholas, and the amendments of the House of Representatives thereto, reported the same without further amendment, and the said amendments were concurred in.

! Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of commencing the August term of the Green Circuit Court, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto "and to alter the terms of the Estill County Court to the second Monday of the month."

Mr. Hanson, from the same committee, to whom was referred the following bills, viz:

A bill to amend the law concerning the jurisdiction of Magistrates for sums under an appeal.

A bill to amend the law concerning slaves.

Reported the same with amendments to each, which were concurred in Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, to wit:

By Mr. Hanson, from the committee on the Judiciary—I. A bill to extend the terms of the Hardin Circuit Court, and to alter and extend the terms of the Bullitt Circuit Court.

By Mr. Huston, from the committee on Privileges and Elections—2. A bill to provide for the election of Senators when there is a tie between the candidates.

By Mr. Rodes, from the committee on Religion—3. A bill to incorporate the Methodist Episcopal Church in the city of Covington.

Also-4. A bill for the benefit of William Baxter.

By Mr. G. W. Johnston, from the committee on Finance—5. A bill for the benefit of the Sheriffs of Nicholas and Lawrence counties.

Also-6. A bill for the benefit of Andrew J. James.

By Mr. Jesup, from the committee on Military Affairs—7. A bill for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

By Mr. Garth, from a select committee—8. A bill for the relief of Hiram Hall, Sheriff of Wayne county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the 1st and 8th bills being dispensed with, the 1st was referred to the committee on the Judiciary, and the 8th to the committee on Finance.

The constitutional rule and second and third readings of the 2d, 3d, 4th, 5th, 6th and 7th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills, from the House of Representatives, were reported from the committees to whom they were referred, without amendment, viz:

By Mr. J. V. Walker, from the committee on Propositions and Grievances

—An act to change the names of the children of Rachel W. Stegall.

By Mr. Huston, from the committee of Privileges and Elections—An act to bound the Germantown election precinct in the county of Mason.

By Mr. Rodes, from the committee on Religion—An act for the divorce of Alexander Johnson.

An act for the divorce and change of name of Malinda Lane.

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An act for the divorce of Rezin Jackson.

By Mr. G. W. Johnston, from the committee on Finance-An act for the benefit of the Sheriff of Ohio county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act for the benefit of E. Barnes, Peter Able, P. C. Slaughter, Z. Wilcox, and others, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was de-

cided in the negative, and so the said bill was disagreed to.

Mr. Clarke, from the same committee, to whom was referred a bill concerning the Lexington and Ohio Railroad, reported the same without amendment, and it was placed in the orders of the day.

On the motion of Mr. Clarke, the committee on Internal Improvement was discharged from the duty of preparing and bringing in a bill for the benefit of Zachariah White, and a bill for the benefit of Elias Davidson, and others.

Leave was given to bring in the following bills, viz:

On the motion of Mr. James-1. A bill to establish the 19th Judicial District, to be composed of the counties west of the Tennessee river.

On the motion of Mr. Huston-2. A bill for the benefit of the Sheriff of Spencer county.

On the motion of Mr. Jesup-3. A bill to repeal the law establishing a State road from Russellville, by way of Elkton, Hopkinsville and Princeton, to Eddyville.

On the motion of Mr. Pirtle-4. A bill for the benefit of the Preacher's Aid Society of the Kentucky Conference.

On the motion of Mr. M. Williams-5. A bill to authorize the County Court of Morgan county to straighten the State road in said county, near Squire Nichols' residence on Red river.

The committee on the Judiciary was directed to prepare and bring in the 1st and 4th; the committee on Finance the 2d; the committee on Internal Improvement the 3d, and Messrs. M. Williams, Slaughter and Huston were appointed a committee to prepare and bring in the 5th.

The Senate resumed the consideration of a bill to regulate the rate of conventional interest. The said bill was amended to read as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no person shall, hereafter, upon any contract, take, directly he

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or indirectly, for loan or forbearance of any loan of any money, wares or merchandize, or any other commodity above the value of ten dollars, for each one hundred so loaned or forborne, for one year, and after that rate for a greater or less sum, or for a longer or shorter time: Provided, That no greater, than at the rate of six per cent. per annum, shall be collected, unless it is otherwise agreed upon and specified in writing: And, provided further, That if, on any contract, a greater rate of interest than ten per cent. as above provided for, should be reserved, received, or taken, the contract shall be deemed usurious, and there shall be no remedy at law, or in equity, for the recovery of any interest whatever: And, provided further, That all and every personal security that may have been taken to secure such usurious contract, shall be released and stand acquitted and discharged from the payment of said debt; and the plaintiff shall have no remedy in law or equity for the collection of the principal of said debt, but as against the principal in said obligation.

SEC. 2. Be it further enacted, That this act shall not be construed to ex-

tend to contracts already made.

SEC. 3. Be it further enacted, That should any person charge and receive a greater rate of interest than ten per cent. for any such loan or forbearance of a loan as aforesaid, or shall receive interest at a greater rate than six per cent. in any other instance than a loan, he, she, or they, so offending, shall forfeit and pay said sum paid as interest: first, to any creditor of the payor who may have an execution returned "no property found," who shall have the exclusive right, at any time within three months from the payment and reception of any such interest, to file a petition before any Justice of the Peace, under his equitable jurisdiction, when the amount in controversy is recognizable before him, or a bill in chancery in the Circuit Courts where they have jurisdiction, to subject said interest, or so much thereof, as may be necessary to the payment of his debt; and upon failure to sue therefor, within three months, the Commonwealth shall have a concurrent right with the creditors to recover the same, at any time within five years, by indictment or action of debt, before any court having jurisdiction in such cases; which said sum, when collected by the Commonwealth, shall be paid over to the Commissioners of the Sinking Fund, to be appropriated by them in the discharge of the debts of the Commonwealth; and it shall be the duty of the Commonwealth's Attorney to institute the suits for the Commonwealth whenever he knows or has information of a violation of this statute; and it shall be the duty of the Circuit Judge to give this statute in charge to the Grand Jury at each term; but the party who shall pay any usurious interest, over ten per centum, shall have the same right to recover it which now exists to recover usurious interest, provided the same shall not have been sued for or recovered by a creditor or the Commonwealth: Provided, That nothing herein contained shall subject the party, or his representatives, to whom such interest shall be paid, to repay more than the amount received, with interest thereon, at the rate of six per centum.

The question being taken on engrossing and reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Hughes and Payne, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,	Morgan, J. S.	Sympson,
Dyer,	Palmer,	Walker, C. J.
Griffith,	Payne,	Williams, M.
Huston,	Rodes,	Williams, S. L-14
James.	Sterett.	

Those who voted in the negative, were-

Messrs. Alexander,	- Jesup,	Pirtle,
Bailey,	Johnson, B. B.	Pratt,
Craddock,	Johnston, G. W.	Slaughter,
Garth,	Loving,	Wallace,
Hanson,	McAfee,	Walker, J. V.
Hardin,	Morgan, D.	Young-19.
Hughes.		

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 2, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to wit:

An act to establish election precincts in the counties of Calloway and Edmonson.

An act for the benefit of Thomas B. Megowan.

An act for the benefit of Coonrod Havens.

An act to incorporate the Trustees of the Lancaster Presbyterian Church,

An act for the benefit of Joseph C. Stiles.

An act for the benefit of Nancy Moore.

An act for the relief of Edward Rumsey, administrator of Richard Elliott, deceased.

An act to extend the June term of the Union Circuit Court, and for other purposes.

An act for the benefit of the officers and guards of the Penitentiary.

An act for the benefit of the heirs of Bennett Rose, deceased.

An act for the benefit of Coleman Graves.

An act for the benefit of William H. Bransford.

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An act for the benefit of E. W. Dowden.

An act for the benefit of the County Court of Wayne.

An act for the benefit of Temple G. and Sophia Priest,

An act for the divorce of Willis Isbell.

An act for the divorce of Mary Jane Owen.

Approved February 1, 1842,

That they had passed bills of the following titles, to wit:

- 1. An act to establish the Kentucky Institute for the education of the blind.
 - 2. An act to establish the county of Marshall.
 - 3. An act for the benefit of the Trustees of the Simpson Seminary.
- 4. An act authorizing the sale of certain parts of streets in the town of Franklin.
- 5. An act to allow an additional Justice of the Peace to the county of Spencer.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 3d were referred to the committee on Education; the 2d to the committee on Propositions and Grievances; the 4th to the committee on the Judiciary, and the 5th was ordered to be read a third time.

The constitutional rule as to the third reading of the 5th bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the Senate the memorial of M. R. Stealey, late Resident Engineer in the service of this State, in relation to certain official documents on the subject of Internal Improvement, heretofore published—which memorial was referred to a committee of Messrs. Pratt, G. W. Johnston and Clarke.

The Speaker laid before the Senate the memorial of Leander J. Sharp, a Director and Stockholder in the Bowlinggreen Bridge Company, praying that the turnpike road from Bells' tavern to Bowlinggreen may be constructed to the river at said bridge—which was referred to the committee on Internal Improvement.

- 1. Mr. Pratt presented the petition of Thomas M. James, praying for a divorce from his wife.
- 2. Also, the petition of Fountain Withers to sell land belonging to infant heirs.
- 3. Mr. Rice presented the petition of John Boggs, praying that a mistake in a survey of fifty acres of land, in Lawrence county, may be corrected.
 - 4. Mr. S. L. Williams presented the petition of Joshua Owings, praying

that a law may pass to change the venue for the trial of a negro man, his property, who stands indicted in the Montgomery Circuit Court.

Which were severally received and referred: the 1st to the committee on

Religion, and the 2d, 3d and 4th to the committee on the Judiciary.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the duty of preparing and reporting a bill further to regulate the duties of Clerks of Circuit Courts.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill to amend an act, entitiled, an act to amend an act reserving certain property from execution, and for other purposes, approved February 16th, 1841, reported the same with an amendment, which was concurred in.

The said bill was further amended, and ordered to be engrossed and read

a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of the said bill, and it was

decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sympson and Griffith, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Pratt,
Bailey,	James,	Rice,
Burnett,	Jesup,	Rodes,
Clarke,	Johnson, B. B.	Slaughter,
Craddock,	Johnston, G. W.	Sterett,
Dyer,	Loving,	Wallace,
Garth,	McAfee,	Walker, C. J.
Griffith,	Morgan, D.	Walker, J. V.
Hanson,	Morgan, J. S.	Williams, M.
Hardin,	Palmer,	Williams, S. L.
Hughes,	Pirtle,	Young-33.

Mr. Sympson voted in the negative.

Resolved, That the title of said bill be amended to read "an act to amend the law exempting property from execution."

Mr. Hanson, from the same committee, reported a bill to extend the terms of the Hardin Circuit Court, and to alter and extend the terms of the Bullitt Circuit Court, reported the same without amendment, and the said bill was referred to a committee of Messrs. Huston, Craddocek, and Slaughter.

The following bills were reported, to wit:

By Mr. Hanson, from the committee on the Judiciary—A bill to incorporate the Trustees of the Parsonage of the Mountsterling Circuit of the Methodist Episcopal Church.

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Also-A bill granting a change of venue to John Hughes.

By Mr. Jesup, from the committee on Military Affairs—A bill for the benefit of Benjamin Doom and Jonathan Simpson.

Also—A bill for the benefit of the heirs and legal representatives and securities of George A. M. Elder.

Also-A bill for the benefit of George W. Bush, and others.

By Mr. Huston, from a select committee—A bill for the benefit of Charles B. May, Surveyor of Spencer county.

Also—A bill to allow three additional Constables to Spencer county.

Also—A bill for the benefit of James I. Wood, Coroner of Spencer county. By Mr. M. Williams, from a select committee—A bill to authorize the County Court of Morgan to straighten the State road.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

- 1. An act to establish the county of Boyle, and for other purposes.
- 2. An act to establish the county of Ballard.
- 3. An act to vacate a part of the Town of Westport, and for other purposes.

4. An act vacating certain lots in the town of Canton.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st and 2d were referred to the committee on Propositions and Grievances; the 3d to the committee on the Judiciary, and the 4th was ordered to be read a third time.

The constitutional rule as to the third reading of the 4th bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Hardin—I. A bill for the benefit of Anthony G. White, infant heir of Dudley White, deceased.

On the motion of Mr. Rice—2. A bill for the benefit of Jacob Mayo, late Clerk of the Floyd Circuit Court.

On the motion of Mr. Pratt—3. A bill to amend the charter of the Lexington, Georgetown and Covington turnpike road.

On the motion of Mr. Rice—4. A bill for the benefit of the Sheriff of Carter county.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Finance the 2d and 4th, and the committee on Internal Improvement the 3d.

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

An act for the benefit of the administrator and securities of Richard Oldham. deceased.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third readings being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Dyer, from the committee on the Sinking Fund, to whom was referred a bill from the House of Representatives, entitled an act to regulate the salaries of certain officers of this Commonwealth, and to increase the resources of the Sinking Fund, reported the same without amendment, and the said bill was made the special order of the day for Wednesday, the 9th inst.

Engrossed bills of the following titles, were severally read the third time,

1. An act to amend an act providing that estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

2. An act to incorporate ethe Funk Seminary.

The first bill was amended by way of engrossed ryder.

Resolved, That the said bills do pass, and that the titles thereof be as

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

EXECUTIVE OFFICE, February 2, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, John Cox to be Lieutenant Colonel of the 105th Regiment, in place of Samuel Rector, resigned.

James A. Anderson to be Major of the 105th Regiment, in place of John

Cox, if promoted.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Mr. Loving be appointed a committee, on the part of the Senate, pursuant to a resolution to appoint a committee to settle the accounts of the Board of Green and Barren river Commissioners.

The Speaker laid before the Senate the following communication from the Board of Internal Improvement, to wit:

> OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, February 2, 1842.

Sir:

I am instructed, by the Board of Internal Improvement, to communicate to the two branches of the Legislature the information contained in the accompanying letter of A. P. Cox, Secretary of this Board, showing a discrepancy, recently discovered, in the accounts of the two Boards therein alluded to, amounting to \$15,300. Immediately on the discovery of this discrepancy, the cause of which appears to have occurred in the year 1838 or '39, the Board caused a letter to be addressed to Simpson Stout, Esq., requesting his attendance here without delay, with all the books, accounts, &c., to enable us, if practicable, to settle the error alluded to.

All of which is respectfully submitted to the consideration of the Senate. THOMAS METCALFE, Pres. B. I. I.

Hon. Manlius V. Thomson,

Lieutenant Governor and Speaker of the Senate.

THOMAS METCALFE, Esq.,

President of the Board of Internal Improvement of Kentucky:

By reference to the report of the Secretary of the Green and Barren river Commissioners, dated the 25th of December, 1841, you will discover that he acknowledges that said Commissioners had received, up to that date, only \$741,017 69 the sum of,

Upon a careful examination of their previous reports, I find that a portion of said sum, viz: \$1,044 69, was not received from the Board of Internal Im-

1,044 69 provement,

True amount acknowledged to have received from Board of Internal Improvement,

The Board of Internal Improvement has also paid for the Green and Barren river works, for lime and

7,001 15 freight on same, this sum,

The tabular statement accompanying the annual report of the Board of Internal Improvement to the present General Assembly, shows that the Board had paid to the Green and Barren river Commissioners, and for them, this sum,

762,274 15

Showing a difference between the reports of the Board of Internal Improvement, and said Commissioners, of this sum,

\$15,300 00

\$739,973 00

\$746,973 15

Very respectfully, February 2, 1842.

AUSTIN P. COX, Sec. B. I. I.

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Ordered, That the said communication be referred to the joint committee to settle the accounts of the Board of Green and Barren river Commissioners.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. James in the Chair. After some time, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration, resolutions in relation to amendments to the Constitution of the United States, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

And then the Senate adjourned.

THURSDAY, FEBRUARY 3, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to prevent druggists, &c. from selling poisonous drugs to slaves and minors.

An act to amend the law regulating the conveyance of lands sold by Sheriffs.

An act to change the time of commencing the August term of the Green Circuit Court.

That they had disagreed to a bill from the Senate, entitled, an act for the benefit of Samuel Lawler.

That they had passed bills from the Senate of the following titles, viz:

An act allowing William Dalton a change of venue.

An act to establish a Library Association at Louisville.

That they had passed bills of the following titles, to wit:

1. An act to establish an election precinct in Fleming county, and for other purposes.

2. An act for the benefit of W. and A. Cooper.

3. An act for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson.

4. An act for the benefit of the Clerk of the Garrard County Court.

Which bills were severally read the first time, and ordered to be read a second time.

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The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Privileges and Election; the 2d and 3d to the committee on Finance, and the 4th to the committee on the Judiciary.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, to wit:

EXECUTIVE OFFICE, February 3, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, A. C. Godsey, to be Brigadier General of the 18th Brigade, in place of R. S. Brashear, resigned.

George L. Robards to be Colonel of the 1st Regiment, in place of Charles D. Pope, deceased.

John L. Heming to be Lieutenant Colonel of the 1st Regiment, in place of G. L. Robards, if promoted.

William Helfrich, to be Major of the 1st Regiment, in place of G. W.

Samuel, resigned.

Jacob Newkirk to be Colonel of the 33d Regiment, in place of Robert F.

Baird, who resides out of the bounds.

Reuben Shrader to be Lieutenant Colonel of the 33d Regiment, in place

of Humphrey Pate, resigned.

Robert C. Hord to be Major of the 33d regiment, in place of Temple Shaw, resigned.

Samuel Chastain to be Colonel of the 68th Regiment.

Leander Miller to be Lieutenant Colonel of the 68th Regiment.

Wade H. Walker to be Major of the 68th Regiment. James W. Davis to be Colonel of the 70th Regiment.

John F. Ratcliffe to be Lieutenant Colonel of the 70th Regiment.

George W. Davis to be Major of the 70th Regiment.

David K. Butler to be Major of the 80th Regiment, in place of Samuel Combs, refused to swear in.

Claudius Duval to be Lieutenant Colonel of the 132d Regiment, in place of Nathaniel Wolf, resigned.

Amos Scudder, to be Major of the 132d Regiment, in place of Claudius Duvall, if promoted.

R. P. LETCHER.

Executive Office, February 3, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Oliver M. Decourcey to be Sheriff of the county of Campbell, in place of Samuel Winston, who refuses to accept his commission.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Pratt presented the petition of Emily Jackson, praying for a divorce from her husband.

Mr. Sympson presented the petition of Jefferson A. Murray, praying for a divorce from his wife.

Which petitions were received and referred to the committee on Religion.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act authorizing the sale of certain parts of streets in the town of Franklin.

An act for the benefit of the Trustees of the Simpson Seminary.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to vacate a part of the town of Westport, and for other purposes, reported the same with amendments—which were concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred the petition of John Boggs, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

Which was concurred in.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred the petition of William Wiggins, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to establish the Kentucky Institute for the education of the blind, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Rodes, were as follows, viz:

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Those who voted in the affirmative, were-

Messrs. Alexander,	Jesup,	Rodes,
Bennett,	Johnson, B. B.	Slaughter,
Burnett,	Johnston, G. W.	Sterett,
Craddock,	Loving,	Sympson,
Dyer,	McAfee,	Wallace,
Griffith,	Morgan, D.	Walker, C. J.
Hanson,	Morgan, J. S.	Walker, J. V.
Hardin,	Palmer,	Williams, M.
Hughes,	Payne,	Williams, S. L.
Huston,	Pirtle,	Young-32.
James,	Pratt.	

Mr. Garth voted in the negative.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Payne, from the committee on Banks, made the following report, viz

[For the report—see Legislative Documents.]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the General Assembly.

Mr. Payne, from the committee on Banks, reported a bill to restore the privileges of the Banks when they resume specie payments.

The said bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

The following bills were reported, to wit:

By Mr. James, from the committee on Public Printing—1. A bill to regulate the prices of the Public Printing.

By Mr. Pirtle—2. A bill to amend the law concerning the revivor of suits. By Mr. Hanson, from the committee on the Judiciary—3. A bill for the benefit of Beverly Megary.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, with an amendment offered thereto, was referred to the committee on Finance; the 2d was referred to the committee on the Judiciary, and the Public Printer directed to print 150 copies thereof for the use of the General Assembly; and the 3d bill was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 3d bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle made the following report, to wit:

The committee of conference on the bill which originated in the Senate to amend the law concerning the probate of wills, propose that the House of Representatives recede from the amendment and adopt this amendment instead thereof:

Add to the bill these words, "Provided always, That this act shall not be so construed as to prevent any person interested, who was not a party served with process, and who did not appear, by himself or council in the Circuit Court, from contesting the validity of a will, as it is provided in the 11th section of "an act to reduce into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators," approved February 24th, 1797."

Mr. B. B. Johnson presented the petition of Margaret Mitchell, praying the Legislature to reimburse her the sum of five hundred dollars, paid by her deceased husband towards the building of the Capitol—which was received and referred to the committee on Finance.

On the motion of Mr. James, the vote of the Senate to lay on the table until the 1st day of June next, a bill from the House of Representatives, entitled, an act more effectually to prevent slaves from carrying arms, was re-considered, and the said bill was referred to the committee on the Judiciary.

A bill to establish the true line between Franklin and Scott counties, was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to amend the law in relation to the assignment of notes, &c. and the amendment offered thereto, were referred to the committee on the Judiciary.

On the motion of Mr. Craddock, the vote rejecting a bill regulating the rate of conventional interest, was re-considered, and the said bill was referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On the motion of Mr. M. Williams—A bill to authorize Joseph Nickle, guardian of the infant heirs of John Nickle, deceased, to sell a small tract of land in Morgan county.

On the motion of Mr. B. B. Johnson—A bill for the benefit of Common Schools in Franklin county, and for other purposes.

Messrs. M. Williams, G. W. Johnston and Loving were appointed a committee to prepare and bring in the 1st, and the committee on Education was directed to prepare and bring in the 2d.

Leave of absence, from the service of the Senate, was granted to Mr. J. S. Morgan until Tuesday next.

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A bill concerning the Lexington and Ohio Railroad, and an amendment moved thereto, were referred to the committee on Internal Improvement.

A bill for the benefit of Lud Fore, was referred to the committee on Finance.

The resolution, offered by Mr. Garth on the 11th ultimo, directing the committee on Education to enquire into the propriety of repealing the law establishing Common Schools, was laid on the table.

And then the Senate adjourned.

FRIDAY, FEBRUARY 4, 1842.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to wit:

An act for the benefit of John Hockersmith.

An act to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes.

The said bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was referred to the committee on Finance, and the 2d to the committee on the Judiciary.

The Speaker laid-before the Senate a memorial of Henry J. Eastin, late Resident Engineer on Green and Barren rivers, praying that a committee be appointed to examine into the report of the Chief Engineer of the 20th of July last, in relation to the public works on said rivers—which was received and referred to a committee of Messrs. Pratt, G. W. Johnston and Clarke.

Mr. B. B. Johnston presented the petition of Francis P. Blair, praying for remuneration for damages to a tract of land, owned by him, by the back water from lock and dam No. 4, on the Kentucky river—which was received and referred to the committee on Internal Improvement.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Clerk of the Garrard County Court, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act more effectually to prevent slaves from carrying arms, reported the same with an amendment, which was amended and concurred in.

Ordered, That the said bill be read a third time, as amended.

Mr. Hanson, from the committee on the Judiciary, reported the following bills, to wit:

A bill authorizing Joel P. Williams and others, to sell a certain Church in Harrodsburg.

A bill for the benefit of Fountain Withers and children.

Which bills were severally read, the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Marshall, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. Rice, from the same committee, to whom was referred the petition of Andrew S. Walker, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

The following bills were reported, to wit:

By Mr. Rice, from the committee on Propositions and Grievances—A bill to reduce the number of Justices of the Peace in Nicholas county.

By Mr. Young, from the committee on Religion—A bill for the benefit of Emely Jackson.

By Mr. G. W. Johnston, from the committee on Finance—A bill for the benefit of the Sheriff of Carter county

Also—A bill for the benefit of Jacob Mays, late Clerk of Floyd Circuit Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

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Mr. Clarke, from the committee of Internal Improvement, reported a bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was made the special order of the day for Thursday the 10th inst., and the Public printer directed to print 150 copies thereof for the use of the General Assembly.

On the motion of Mr. Clarke, the committee on Internal Improvement was discharged from the further consideration of the memorial of Leander J. Sharp.

Mr. Dyer, from the committee on Internal Improvement, reported a bill to amend the law which provides for condemning land for public purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee of Internal Improvement.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of W. and A. Cooper, reported the same without amendment, and the said bill was re-committed to the committee on Finance.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

On the motion of Mr. Jesup, the committee on Military Affairs was discharged from the further consideration of the petition of Peter B. Harris.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the Court of Assessment for the 110th Regiment of Kentucky Militia, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

A bill from the House of Representatives, entitled, an act to regulate the salaries of certain officers of this Commonwealth, and to increase the resources of the Sinking Fund, was referred to the committee on the Judiciary.

A bill to restore the privileges of the Banks when they resume specie payment, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

On the motion of Mr. Pirtle, the committee on Federal Relations was discharged from the further consideration of the petitions in favor of a repeal of the Bankrupt Law, to them referred.

Mr. Garth, from the committee appointed for that purpose, reported a bill to amend the slave law of 1833—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. M. Williams, from the committee appointed for that purpose, reported a bill for the benefit of the heirs of John Nichols, jr. deceased—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Alexander moved the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Public Printer to compare his proof sheets of the Acts and Resolutions, with the enrolled bills in the office of the Secretary of State, and make the same conform to the enrolled bills.

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

On the motion of Mr. Payne, leave was given to bring in a bill to incorporate the Greenup Iron Manufacturing Company, and the committee on the Judiciary was directed to prepare and bring in the same.

And then the Senate adjourned.

SATURDAY, FEBRUARY 5, 1842.

- 1. Mr. Burnett presented the petition of sundry citizens of Trigg county, praying that the law concerning ferries on the Cumberland and Tennessee rivers may be amended.
- 2. Mr. Rice presented the petition of sundry citizens of Lawrence county, praying for an additional Constable for said county.

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3. Mr. Payne presented the petition of the administrator and heirs of Tabitha Gooch, deceased, praying for the passage of a law authorizing the sale of a tract of land in Mason county, and certain slaves which belong to the said Tabitha.

Which petitions were received and referred: the 1st and 3d to the committee on the Judiciary, and the 2d to the committee on Propositions and Grievances.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Hanson, from the committee on the Judiciary—A bill to incorporate the Greenup Iron Manufacturing Company, under the general law.

Also-A bill to give an additional term to the Hardin Circuit Court.

By Mr. Jesup, from the committee on Military Affairs—A bill for the benefit of the Georgetown Light Infantry.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in Fleming county, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill to amend the law which provides for condemning land for public purposes, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of the Coroner and Surveyor of Greenup county. An act for the divorce of Rezin Jackson. An act for the divorce of Alexander Johnson.

An act for the divorce and change of name of Malinda Lane.

An act to amend the law regulating the conveyance of lands sold by Sheriffs.

An act to prevent druggists, &c. from selling poisonous drugs to slaves and minors.

An act to change the time of commencing the August term of the Green Circuit Court.

An act to bound the Germantown election precinct in the county of Mason.

An act for the benefit of the Sheriff of Ohio county.

An act for the benefit of the Beargrass Baptist Church.

An act for the benefit of Solomon Rodes, former Sheriff of Muhlenburg county.

An act authorizing the lease or purchase of a lot of ground for the use of the Penitentiary.

An act to repeal a part of an act regulating the Christian Academy, approved January 31st, 1828.

An act for the benefit of James K. Gallion, late Sheriff of Whitley county.

An act for the benefit of James G. Hardy and James P. Bates.

An act amending the law authorizing John M. Weddell to lay off a town on his lands, and for other purposes.

An act for the benefit of the town of Somerset,

An act to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.

An act to change the names of the children of Rachel W. Stegall.

An act to amend the several laws appropriating the vacant lands to the counties in which they lie.

An act for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

An act vacating certain lots in the town of Canton.

An act to allow an additional Justice of the Peace to Spencer county.

An act for the benefit of the administrator and securities of Richard Oldham, deceased.

An act to establish the Kentucky Institution for the education of the blind. An act for the benefit of the Trustees of the Simpson Seminary.

An act authorizing the sale of certain parts of streets in the town of Franklin.

And enrolled bills which originated in the Senate of the following titles, to wit:

An act to allow additional Justices of the Peace and Constables to certain counties.

An act for the benefit of the widow and infant children of Benjamin Hart, deceased.

An act to establish a Library Association at Louisville.

An act allowing William Dalton a change of venue.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Payne, from the committee on the Judiciary, to whom was referred a bill to amend the law concerning the revivor of suits, reported the same with amendments, which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

On the motion of Mr. Huston, the select committee to whom was referred a bill to extend the terms of the Hardin Circuit Court, and to alter and extend the terms of the Bullitt Circuit Court, was discharged from the further consideration of the same, and the said bill was laid on the table.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Sterett—1. A bill to alter the mode of giving notice to take depositions in certain cases.

On the motion of Mr. S. L. Williams—2. A bill concerning the Mount-sterling and Maysville turnpike road.

On the motion of Mr. Craddock—3. A bill for the benefit of the stock-holders of the Louisville and Nashville Turnpike Road Company.

On the motion of Mr. J. V. Walker—4. A bill to require persons failing to list their taxable property with the Commissioner, to list with the Clerk in vacation.

On the motion of Mr. Sterett-5. A bill to amend the revenue laws.

On the motion of Mr. Rice—6. A bill to establish certain election precincts in the county of Carter.

Also-7. A bill for the benefit of William Ward of Carter county.

On the motion of Mr. J. V. Walker—S. A bill to change the time of advertising runaway slaves.

The committee on the Judiciary was directed to prepare and bring in the 1st, 3d and 8th; the committee on Internal Improvement the 2d; the committee on Finance the 4th and 5th; the committee on Privileges and Elections the 6th, and Messrs. Rice, Burnett and Sterett were appointed a select committee to prepare and bring in the 7th.

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A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act to establish a Library Association at Louisville.

An act for the benefit of the widow and infant children of Benjamin Hart, deceased.

An act to allow additional Justices of the Peace and Constables to certain counties, and for other purposes.

An act allowing Willia mDalton a change of venue.

Approved February 5, 1842.

A bill from the House of Representatives, entitled, an act more effectually to prevent slaves from carrying arms, was read the third time as amended. The said bill was further amended by way of engrossed ryder.

The question was taken on the passage of the said bill and it was decided in the negative, and so the said bill was disagreed to.

Mr. Pratt, from the committee to whom was referred the memorials of M. R. Stealey and Henry J. Eastin, reported the same with the opinion of the committee that a committee be appointed to investigate the subject, with power to send for persons and papers, and that the said memorials be printed. Whereupon Messrs. Huston, Palmer and Dyer were appointed the said committee, with the power to send for persons and papers, and the Public Printer was directed to print 150 copies of said memorials for the use of the General Assembly.

A bill from the House of Representatives, entitled, an act to establish the county of Marshall, was ordered to be read a third time.

And then the Senate adjourned.

MONDAY, FEBRUARY 7, 1842.

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A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act authorizing the sale of certain parts of streets in the town of Franklin.

An act for the benefit of the Trustees of the Simpson Seminary.

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An act to amend the several laws appropriating the vacant lands to the counties in which they lie.

An act to establish the Kentucky Institution for the education of the blind.

An act for the benefit of James K. Gallion, late Sheriff of Whitley county. An act for the benefit of James G. Hardy and James P. Bates.

An act for the benefit of Solomon Rhodes, former Sheriff of Muhlenburg county.

An act for the benefit of the Bear Grass Baptist Church.

An act to prevent Druggists, &c., from selling poisonous drugs to slaves and minors.

An act to amend the law regulating the conveyance of lands sold by Sheriffs.

An act for the divorce of Alexander Johnson.

An act for the divorce and change of name of Malinda Lane.

An act for the divorce of Rezin Jackson.

An act for the benefit of the Coroner and Surveyor of Greenup county. An act to bound the Germantown election precinct in the county of

An act for the benefit of the Sheriff of Ohio county.

An act authorizing the lease or purchase of a lot of ground for the use of the Penitentiary.

An act to repeal part of an act regulating the Christian Academy, approved January 31, 1828.

An act to amend the law authorizing John M. Weddell to lay off a town on his lands, and for other purposes.

An act for the benefit of the town of Somerset.

An act to change the time of commencing the August term of the Green Circuit Court, and to alter the terms of the Estill County Court to the second Monday of the month.

An act vacating certain lots in the town of Canton.

An act to allow an additional Justice of the Peace to the county of Spencer.

An act for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

An act for the benefit of the administrator and securities of Richard Oldham, deceased.

An act to change the names of the children of Rachel W. Stegall.

An act to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.

Approved February 5, 1842.

That they had passed a bill from the Senate, entitled, an act concerning the 17th Judicial District, with an amendment.

That they had passed bills of the following titles, to wit:

- 1. An act to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.
- 2. An act to change the terms of certain Circuit Courts in the 17th Judical District.
- 3. An act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall.
- 4. An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.
- 5. An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.
 - 6. An act to enlarge the Constables' district in the town of Monticello.
- 7. An act for the benefit of the Constable in the district of Sovereign Popplewell, a Justice of the Peace of Wayne county, and for other purposes.
 - 8. An act for the benefit of Lucy B. Green.
- 9. An act for the benefit of the Clerk of the County Court of Fleming, and for other purposes.
- 10. An act to amend an act, entitled, an act appropriating six thousand acres of land west of the Tennessee river, for the erection of a bridge across Pittman's creek, in Green county.
 - 11. An act to regulate the prices of the Public Printing.
- 12. An act to incorporate the town of Independence in the county of Kenton.
- 13. An act to change the place of voting in the Laurel Fork election precinct in the county of Lewis, and for other purposes.
- 14. An act to extend the Constables' district including the town of Breathitt.
 - 15. An act for the benefit of Mary Ford.
- 16. An act to establish a State road from Liberty, through Russell county, to Albany, in Clinton county.
 - 17. An act changing the time of holding the Trimble County Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d, 5th, 12th, 14th and 17th were referred to the committee on the Judiciary; the 4th, 10th, 15th and 16th to the committee on Internal Improvement; the 8th to the committee on Religion; the 9th and 11th to the committee on Finance; the 13th to the committee on Privileges and Elections; and the 6th and 7th were ordered to be read a third time.

The constitutional rule as to the third reading of the 6th and 7th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. D. Morgan presented the petition of sundry citizens of Fleming county, praying the Legislature to grant some suspension of civil process, or pass a property law, that property should not sell for less than three fourths or two thirds of its value, or give a Commonwealths' Bank, or some other permanent measure of relief—which was received and referred to the committee on Banks.

Mr. Rice, from the committee on Propositions and Grievances, reported a bill allowing an additional Constable to Lawrence county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, the said bill was amended by way of engrossed ryder, and placed in the orders of the day.

Mr. Payne, from the joint committee on Banks, made the following report.

[For the report—see Legislative Documents.]

Ordered, That the Public Printer forthwith print 150 copies of said report and documents for the use of the General Assembly.

Mr. Huston, from the committee on Privileges and Elections, reported a bill to establish two election precincts in the county of Carter—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Jesup, from the joint committee appointed to examine the Lunatic Asylum at Lexington, made the following report.

[For the report—see Legislative Documents.]

Ordered, That the Public Printer print 500 copies of the said report for the use of the General Assembly.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Rice—1. A bill for the benefit of William O. Gallihew, and to change his name.

On the motion of Mr. M. Williams—2. A bill concerning the jurisdiction of Justices of the Peace.

On the motion of Mr. James—3. A bill prohibiting the sale of personal property under execution, unless it will bring two thirds of its value.

The committee on Propositions and Grievances was directed to prepare and bring in the Ist; Messrs. M. Williams, McAfee and Hanson were appointed a committee to prepare and bring in the 2d, and Messrs. James, D. Morgan and Hughes the 3d.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act concerning the 17th Judicial District.

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A bill from the House of Representatives, entitled, an act to establish the county of Marshall, was read the third time.

The question was taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs, J. V. Walker and M. Williams, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bennett,	Hardin,	Slaughter,
Burnett,	Hughes,	Sympson,
Craddock,	Huston,	Wallace,
Dyer,	Payne,	Williams, M.
Garth,	Rice,	Williams, S. L-17
Hanson,	Rodes,	

Those who voted in the negative, were-

Messrs. Bailey,	Johnson, B. B.	Sterett,
James,	Loving,	Walker, J. V.
Jesup,	McAfee,	Young—9.

Resolved, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

TUESDAY, FEBRUARY 8, 1842.

1. Mr. B. B. Johnson presented the petition of William Hunter, to be reimbursed money paid towards rebuilding the Capitol in 1814.

2. Mr. Palmer presented the petition of Milly Young and others, praying that a tract of land in Washington county, deeded to them by Matthew Yocum, sen'r, deceased, may be sold and the proceeds in vested in lands in the new States.

3. Mr. Pirtle presented the proceedings of a meeting of the citizens of Louisville in relation to the right of said city to issue scrip.

4. Mr. Palmer presented the petition of Vardeman Faris, praying for a change of venue.

5. Mr. Pirtle presented the petition of the administrator and heirs of John Hyatt, deceased, praying for the passage of a law authorizing the sale of a tract of land to pay the debts of the deceased.

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Which were received and referred: the 1st to the committee on Finance, and the others to the committee on the Judiciary.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

- 1. An act to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.
 - 2. An act changing the time of holding the Trimble County Court.
- 3. An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.
- 4. An act to extend the Constables' district including the town of Breathitt.
- 5. An act to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes.

Reported the same with an amendment to the 3d, which was concurred in. Ordered, That the said bills be read a third time, except the 2d, which was placed in the orders of the day.

The constitutional rule as to the third reading of the 1st, 3d, 4th and 5th bills being dispensed with,

Resolved, That the said bills, the 3d as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the salaries of certain officers of this Commonwealth, and to increase the resources of the Sinking Fund, reported the same with the opinion of the committee that it ought not to pass. The said bill reads as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of April, 1842, the several officers of this Commonwealth hereinafter named, shall receive the annual salaries following, and to be paid as heretofore: To the Chief Justice and Associate Justices of the Court of Appeals, the sum of sixteen hundred dollars; to each Circuit Judge, twelve hundred dollars; to the Register of the Land Office, twelve hundred dollars; to the First Auditor, twelve hundred dollars; to the Second Auditor, twelve hundred dollars; to the Treasurer, twelve hundred dollars.

SEC. 2. Be it further enacted, That the sum of seven thousand five hundred dollars be annually paid by the Treasurer of this Commonwealth to the Commissioners of the Sinking Fund, to be applied to the payment of the principal of the State bonds, until the same shall have been paid off and discharged.

Mr. Hanson moved to lay the said bill on the table until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burnett and Hanson, were as follows, viz:

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Those who voted in the affirmative, were-

Messrs. Alexander, Clarke, Craddock, Griffith, Hanson,	Johnston, G. W, Loving, Morgan, D. Morgan, J. S. Payne,	Rodes, Slaughter, Wallace, Williams, M. Williams, S. L-17
Huston	Pirtle.	

Those who voted in the negative, were-

Messrs, Bailey,	Jesup,	Sterett,
Bennett,	Johnson, B. B.	Sympson,
Burnett,	McAfee,	Walker, C. J.
Garth,	Palmer,	Walker, J. V.
Hughes,	Rice,	Young—16.

Mr. Hanson, from the same committee, to whom was referred a bill to amend the slave law of 1833, reported the same with an amendment, and the further consideration of said bill, and amendment, was postponed until to-morrow.

Ordered, That the Public Printer print 150 copies of the said bill and amendment for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows.

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons to fill the office of Attorneys for the Commonwealth, in the several and respective districts named:

Harrison Taylor, 1st Judicial District.
William K. Wall, 2d Judicial District.
Richard A. Buckner, jr. 3d Judicial District,
Richard Logan, 4th Judicial District.
Nathaniel Wolfe, 5th Judicial District.
Alexander R. Macey, 6th Judicial District.
Iredell Hart, 7th Judicial District.
George C. Thurman, 9th Judicial District.
Robert Clark, 10th Judicial District.
Robert Clark, 10th Judicial District.
Andrew Trumbo, 11th Judicial District.
Fountain T. Fox, 12th Judicial District.
Thomas W. Riley, 13th Judicial District.
Alfred Allen, 14th Judicial District.
William B. Moore, 15th Judicial District.
George W. Barbour, 16th Judicial District.
George B. Kinkead, 17th Judicial District.

R. P. LETCHER.

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Resolved, That the Senate advise and consent to the said appointments.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Executive Office, February 8, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, John Miller, to be Colonel of the 7th Regiment, in place of Daniel White, resigned.

William Hill to be Lieutenant Colonel of the 7th Regiment, in place of John Miller, if promoted.

James C. Caldwell to be Major of the 7th Regiment, in place of William Hill, if promoted.

John F. Gooch to be Lieutenaut Colonel of the 104th Regiment, in place of Henry Childers, who refuses to accept.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in the Laurel Fork election precinct in the county of Lewis, and for other purposes, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act to change the place of voting in certain election precincts in the counties of Lewis, Knox and Shelby.

Mr. Loving, from the committee on Internal Improvement, reported a bill regulating the tolls on the turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on Internal improvement, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Wallace, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend an act, entitled, an act appropriating six thousand acres of land west of the Tennessee river, for the erection of a bridge across Pittman's creek, in Green county.

An act to establish a State road from Liberty, through Russell county, to Albany, in Clinton county.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. G. W. Johnston, the committee on Finance was discharged from the further consideration of the petition of Margaret Mitchell, and the said petition was referred to a committee of Messrs. Payne, B. B. Johnson and Pratt.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Clerk of the County Court of Fleming, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of W. and A. Cooper, reported the same with the opinion of the committee that it ought not to pass.

The said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, required to issue a warrant on the Treasury of this State, in favor of W. and A. Cooper, for the sum of forty seven dollars and fifty cents, which sum having been improperly collected from them for a pedlar's license, to be paid out of any money in the Treasury not otherwise appropriated: Provided however, That said Auditor shall not draw said warrant until said Coopers surrender to said Auditor their license, issued by the Clerk of the County Court of Shelby county, authorizing them to peddle.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Jesup and G. W. Johnston, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett, Garth, Huston, James, Johnston, G. W. Loving, McAfee, Rodes,

Wallace, Williams, M. Williams, S. L-11

Those who voted in the negative, were-

Messrs. Clarke,	Johnson, B. B.	Slaughter,
Craddock,	Morgan, D.	Sterett,
Griffith,	Morgan, J. S.	Sympson,
Hughes, Jesup,	Payne, Pirtle,	Walker, J. V. Young—15.

Mr. G. W. Johnston, from the committee on Finance, reported the following bills, viz:

A bill to amend the revenue law.

A bill to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

 Λ message, in writing, was received from the Governor, by Mr. Harlan Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Martin Williams, James Cruice, Joseph Hughes, Robert Haynes, Samuel L. Philips, Henry R. D. Coleman, Peter Clinton, Abner Laure, Robert Hill, and J. D. Gregory to be Justices of the Peace, William R. Asher to be Coroner, and William B. Hickman to be Sheriff of the county of Crittenden.

R. P. LETCHER.

February 8, 1842.

Resolved, That the Senate advise and consent to the said appointments.

The following bills were reported, to wit:

By Mr. Garth, from a select committee—A bill to amend the act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

By Mr. M. Williams-A bill concerning Justices of the Peace.

By Mr. Pirtle—A bill for the benefit of Paulina G. Rodes and her children. Which bills were severally read the first time, and ordered to be read a

second time.

The constitutional rule as to the second reading being dispensed with, the said bills were referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Slaughter—1. A bill for the benefit of Bishop Flaget.

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On the motion of Mr. James-2. A bill for the benefit of R. E. Rowland, late Sheriff of Calloway county.

On the motion of Mr. Slaughter-3. A bill for the benefit of the Female

Academy of Nazareth and Loretto.

On the motion of Mr. Loving-4. A bill for the benefit of the heirs of Knight B. Curd, deceased.

The committee on the Judiciary was directed to prepare and bring in the

1st, 3d and 4th, and the committee on Finance the 2d.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Hockersmith, reported the same without amendment.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, required to issue a warrant on the Treasury of this State, in favor of John Hockersmith, for the sum of seventy dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. Payne moved to amend the said bill by adding thereto the following

section, viz:

Be it further enacted, That the sum of nine hundred dollars be paid to Lewis Wernwag, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. Sterett moved the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Bailey, Bennett, Burnett, Garth, Griffith,	Hardin, Hughes, Huston, James, Jesup, Johnson, B. B.	McAfee, Palmer, Rice, Sterett. Sympson, Young—20.
Hanson,	Loving,	

Those who voted in the negative, were-

Messrs. Clarke, Craddock, Johnston, G. W. Morgan, D. Morgan, J. S.	Payne, Pirtle, Rodes, Slaughter,	Wallace, Walker, J. V. Williams, M. Williams, S. L-13
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The question was then taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were-

Pirtle, Jesup, Messrs. Bailey, Johnson, B. B. Rodes, Burnett, Sympson, Johnston, G. W. Craddock, Wallace, Loving, Garth, Walker, J. V. McAfee, Griffith, Williams, M. Morgan, D. Hanson, Williams, S. L. Palmer, Hughes, Young-24. Payne, James,

Those who voted in the negative, were-

Messrs. Alexander, Hardin, Rice, Slaughter, Clarke, Morgan, J. S. Sterett—9.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they were now ready to proceed to the election of public officers.

A message was sent to the House of Representatives, informing them that the Senate are now ready to proceed to said election.

After interchanging nominations between the Houses, the Senate proceeded to vote.

For the office of Treasurer, Mr. James Davidson received a unanimous vote.

The vote for Public Printer stood thus:

Those who voted for Mr. A. G. Hodges, were-

Rodes, Johnston, G. W. Messrs. Alexander, Slaughter, Loving, Bailey, Sterett, Morgan, D. Clarke, Sympson, Morgan, J.S. Craddock, Wallace, Palmer, Griffith, Walker, J. V. Payne, Hanson, Williams, S. L. Pirtle, Hardin, Young—25. Pratt. Huston, Jesup,

Those who voted for Mr. F. D. Pettit, were-

Messrs. Bennett,
Burnett,
Garth,
Hughes,
James,
Rice,
Rice,
Williams, M.—9,

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Mr. George A. Robertson received a unanimous vote for the office of Public Librarian.

Committees were appointed to meet committees on the part of the House of Representatives, to ascertain the joint vote, and report the result.

The committees reported that Mr. James Davidson had received the unanimous vote of both Houses; that Mr. A. G. Hodges had received eighty eight votes, and Mr. F. D. Pettit thirty nine; and that Mr. George A. Robertson had received the unanimous vote of both Houses.

Whereupon Mr. James Davidson was declared to be duly elected Treasurer; Mr. A. G. Hodges Public Printer, and Mr. George A. Robertson Public Librarian for the ensuing year.

Mr. Rice moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the election of President and Directors of the Bank of the Commonwealth, be postponed until the 19th day of this instant.

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

After a short time a message was received from the House of Representatives, announcing that they had concurred in the said resolution.

On the motion of Mr. Sterett, the vote rejecting the petition of E. H. Curd, Clerk of Calloway County Court, was re-considered.

Mr. Burnett presented another petition of E. H. Curd, praying to be released from the payment of thirty dollars, charged against him by the Auditor for a Pedlar's license, which he did not receive—which was received and referred to the committee on Finance.

On the motion of Mr. Bennett,

Resolved, That a select committee be appointed to enquire into the expediency of authorizing the Banks in this Commonwealth to suspend specie payment until the 1st day of May, 1844, and discount a sum not exceeding \$2,000,000 for the relief of the country.

Messrs. Bennett, G. W. Johnston and J. S. Morgan were appointed the said committee.

And then the Senate adjourned.

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WEDNESDAY, FEBRUARY 9, 1842.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Samuel Lawler.

That they had passed bills of the following titles, to wit:

An act to incorporate the Trustees of the Henderson College.

An act for the benefit of the widow and heirs of George W. Hoy, dec'd.

Mr. J. S. Morgan presented the petition of sundry citizens of Paris and Bourbon county, praying the passage of a law legalizing eight or nine per cent. conventional interest.

Also, the petition of sundry citizens of Paris and Bourbon county, praying for a modification of the charter of the Lexington and Maysville Trunpike Road Company, so as to allow loaded wagons one third of said road to stop on during the night.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Internal Improvement.

Mr. Hanson, from the committee on the Judiciary, to whom was referred the petition of Melvin L. Hiter, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, reported a bill for the benefit of the Preacher's Aid Society of the Kentucky Conference.

And a bill for the benefit of Mary Hyatt and her children.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Ballard, reported the same with the opinion of the committee that it ought not to pass.

The first section of the said bill is as follows viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the 23d day of May, IS42, all that part of the counties of Hickman and McCracken, situated and included within the following boundary, viz: Beginning at the mouth of Red Stone creek, on the Ohio river, in the county of McCracken, thence a straight line to the north west corner of Graves county, and common corner of said county and the county of Hickman; thence with the line dividing said counties twelve miles; thence at angles with the township line to the Mississippi river; thence up the several meanders thereof, and the Ohio river, including the islands of said river to the beginning, shall be, and the same is hereby, created into one distinct county, to be known and called by the name of Ballard, and that the seat of justice thereof, be, and the same is hereby, established on the bank of Mayfield creek, at the most eligible point on said creek in the opinion of the Commissioners hereafter appointed,

Mr. James moved to amend the said section by striking out the word "twelve" printed in italics, and inserting in lieu thereof the word "eight."

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and James, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Jesup,	Pratt,
Bennett,	Johnson, B. B.	Sterett,
Garth,	McAfee,	Wallace,
Griffith,	Morgan, J. S.	Walker, J. V.
Hughes,	Palmer,	Williams, M-17.
James,	Pirtle,	

Those who voted in the negative, were-

Messrs. Alexander,	Huston,	Rodes,
Burnett,	Johnston, G. W.	Slaughter,
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Payne,	Williams, S. L.
Hanson,	Rice,	Young—19.
Hardin		

Mr. James moved to re-commit the said bill to the committee on Propositions and Grievances, with instructions to report an amendment for the qualified voters between a line running due west, from a point eight miles south of the corner of Hickman and Graves counties, mentioned in the bill, and the southern boundary of the proposed county of Ballard, to vote wheth-

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er they will remain in the county of Hickman or be included in the county of Ballard; and if a majority shall vote in favor of remaining in Hickman county, then the said line running due west from a point eight miles south of the said corner of Hickman and Graves, shall be the southern boundary of the county of Ballard.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Hanson, were as follows, viz:

Those who yoted in the affirmative, were-

Messrs. Bailey,	Jesup,	Pratt.
Garth,	Johnson, B. B.	Sterett,
Griffith,	McAfee,	Wallace,
Hughes,	Morgan, J. S.	Walker, J.V.
James,	Palmer,	Williams, M-15.

Those who voted in the negative, were-

Messrs. Alexander,	Hardin,	Rice.
Bennett,	Huston,	Rodes,
Burnett,	Johnston, G. W.	Slaughter,
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Payne,	Williams, S. L.
Hanson,	Pirtle,	Young-21.

Ordered, That the said bill be read a third time.

Mr. McAfee presented a remonstrance of sundry citizens against the formation of the county of Boyle, with the seat of justice at Danville—which was received and referred to the committee on Propositions and Grievances.

And then the Senate adjourned.

THURSDAY, FEBRUARY 10, 1842.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act concerning the Court of Appeals—which bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

- 1. Mr. Rice presented the petition of sundry citizens of Pike county, praying for the passage of a law authorizing John Sword to change the location of that part of the Pikeville and Sounding Gap road, which runs on the land of said Sword.
- 2. Mr. Pirtle presented the petition of John S. Allison, praying the passage of a law authorizing him to sell a certain tract of land near Louisville, and make a judicious investment of the proceeds thereof for the benefit of his children.

Which were received and referred: the 1st to the committee on Internal Improvement, and the 2d to the committee on the Judiciary.

Mr. Alexander moved to re-consider the vote ordering to be read a third time, a bill from the House of Representatives, entitled, an act to establish the county of Ballard.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Hughes, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Johnson, B. B.	Pratt,
Bailey,	Loving,	Sterett,
Garth,	McAfee,	Sympson,
Griffith,	Morgan, J. S.	Wallace,
Hughes,	Palmer,	Walker, J. V.
James,	Pirtle,	Williams, M-19.
Terun		

Those who voted in the negative, were-

Messrs. Burnett,	Huston,	Rodes,
Clarke,	Johnston, G. W.	Slaughter,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Payne,	Williams, S. L.
Hanson,	Rice,	Young—16.
Hardin,		J. Company

Mr. James moved to postpone the further consideration of the said bill until Tuesday next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and Sterett, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	James,	Pratt,
Bailey,	Jesup,	Sterett.
Bennett,	Johnson, B. B.	Wallace,
Garth,	McAfee,	Walker, J. V.
Griffith,	Morgan, J. S.	Williams, M-17.
Hughes,	Palmer,	

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Those who voted in the negative, were-

Messrs. Burnett,	Johnston, G. W.	Rodes,
Clarke,	Loving,	Slaughter,
Craddock,	Morgan, D.	Sympson,
Dyer,	Payne,	Walker, C. J.
Hanson,	Pirtle,	Williams, S. L.
Hardin,	Rice,	Young—19.
Huston		

Mr. James moved to amend the first section of said bill by striking out twelve, printed in italics, and inserting in lieu thereof "eight and a half."

Mr. Hanson moved the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Hardin, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Huston,	Rice,
Bennett,	Jesup,	Rodes,
Burnett,	Johnston, G. W.	Slaughter,
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Morgan, J. S.	Williams, S. L.
Hanson,	Payne,	Young-23.
Hardin,	Pirtle,	

Those who voted in the negative, were-

Messrs. Alexander,	Johnson, B. B.	Sterett,
Garth,	McAfee,	Wallace,
Griffith,	Palmer,	Walker, J. V.
Hughes,	Pratt,	Williams, M—13.
Tames		*

The question was then again taken on reading the said bill a third time, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Burnett, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Hardin,	Rice,
Bennett,	Huston,	Rodes,
Burnett,	Johnston, G. W.	Slaughter,
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Payne,	Williams, S. L.
Hanson,	Pirtle,	Young-21,

Those who voted in the negative, were-

Messrs. Bailey,	Jesup,	Pratt,
Garth,	Johnson, B. B.	Sterett,
Griffith,	McAfee,	Wallace,
Hughes,	Morgan, J. S.	Walker, J. V.
James,	Palmer,	Williams, M—15.

On the motion of Mr. John S. Morgan, the committee of the whole House was discharged from the further consideration of resolutions from the House of Representatives in relation to amendments to the Constitution of the United States.

Mr. J. S. Morgan offered an amendment to the first resolution.

Mr. Garth moved to lay the said resolutions on the table until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and J. S. Morgan, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Garth,	McAfee,	Wallace,
Hughes,	Pratt,	Williams, M.—7.
Johnson, B. B.		

Those who voted in the negative, were-

Messrs. Alexander,	James,	Payne,
Bailey,	Jesup,	Pirtle,
Clarke,	Johnston, G. W.	Rodes,
Craddock,	Loving,	Sympson,
Dyer,	Morgan, D.	Walker, C. J.
Hanson,	Morgan, J. S.	Walker, J. V.
Hardin,	Palmer,	Williams, S. L-22
Huston,		

Ordered, That said resolutions and amendment be referred to a select committee of Messrs. J. S. Morgan, Pirtle and Slaughter.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows:

EXECUTIVE	OFFI	CE,		1
Febr	uary	10,	1842.	1

Gentlemen of the Senate:

I nominate for your advice and consent, James H. Gassaway to be

Colonel of the 45th Regiment, in place of James G. Hardy, resigned.

John Pedigo to be Lieutenant Colonel of the 45th Regiment, in place of William A. Allen, resigned.

John R. Harris to be Major of the 45th Regiment, in place of John Pedigo, if promoted.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments. Bills from the House of Representatives of the following titles, viz: An act to incorporate the Trustees of the Henderson College.

An act for the benefit of the widow and heirs of George W. Hoy, dec'd. Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, the

said bills were referred to the committee on the Judiciary.

Mr. Wallace presented the proceedings of a public meeting of the citizens of Carroll county, held at the Court house in Carrolton, in relation to the controversy between the Board of Internal Improvement and M. R. Stealey, late Resident Engineer on the Kentucky river—which was received and referred to the committee on Internal Improvement.

On the motion of Mr. C. J. Walker, leave was given to bring in a bill for the benefit of James Black, and the committee on the Judiciary was directed to prepare and bring in the same.

On the motion of Mr. Rodes,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of prohibiting, by law, debtors from making mortgages on deeds of trust, for the benefit of one or more creditors, to the exclusion of other creditors, and that the committee report by bill or otherwise.

On the motion of Mr. J. S. Morgan, leave was given to withdraw the petition of Lewis V. Wernwag.

On the motion of Mr. Pirtle, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of W. and A. Cooper.

The said bill being returned to the Senate, the vote disagreeing to it was re-considered.

Ordered, That the said bill be read a third time.

Mr. Jesup from the joint committee appointed to examine Transylvania University, made the following report.

[For the report—see Legislative Documents.]

And then the Senate adjourned.

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FRIDAY, FEBRUARY 11, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to establish the county lines between the counties of Greenup, Carter and Lawrence.

An act to vacate a part of the Town of Westport, and for other purposes.

An act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall.

An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.

An act to change the place of voting in the Laurel Fork election precinct in the county of Lewis, and for other purposes.

That they had disagreed to a bill from the Senate, entitled, an act to amend the law concerning slaves.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of the widow and heirs of Asa Pittman, deceased, and James Frazer.

An act for the benefit of Christopher A. Rudd's widow and children.

An act to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

An act to allow additional Constables to the counties of Spencer and Muhlenburg.

An act to amend the charter of the city of Maysville.

An act for the benefit of Andrew J. James.

An act for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

An act amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20th, 1839.

An act to amend an act providing that estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

With amendments to the two last named bills.

That they had passed bills of the following titles, to wit:

An act for the benefit of the Sheriffs of Meade, Hart and Marion counties.

An act for the benefit of Mechanics, and others, performing labor or furnishing materials for the constructing or repairing of buildings in the towns of Hickman and Frankfort.

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An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840.

An act authorizing a change of venue in the case of the Commonwealth against Richard Singleton.

An act allowing additional Justices of the Peace to the counties of Mason and Wayne.

An act for the benefit of Sarah Gough.

An act for the benefit of Elizabeth Green.

- 1. Mr. B. B. Johnson presented the memorial of M. R. Stealey, concerning the disbursement of State bonds by him, for work done on lock and dam No. 1.
- 2. Mr. Payne presented the petition of Henry Waller and Elezor B. Langhorne, praying the passage of a law authorizing the sale and conveyance of certain real property belonging to the estate of John T. Langhorne, dec'd.
- 3. Also, the petition of Harrison Rankins, praying that the act, entitled, an act for the benefit of Harrison Rankins, his wife and children, approved February 14th, 1839, may be amended.
- 4. Mr. M. Williams presented the proceedings of a public meeting of the citizens of Bath county, praying the establishment of a Commonwealths' Bank, and the passage of a property law.

Which were received and referred: the 1st to a committee of Messrs. Huston, Dyer and Palmer; the 2d and 3d to the committee on the Judiciary, and the 4th to the committee on Banks.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill for the benefit of the Louisville and Nashville Turnpike Road Company, and the committee on Internal Improvement was directed to prepare and bring in the same.

Mr. Hanson, from the committee on the Judiciary, reported a bill for the benefit of the heirs of Knight B. Curd, late of Warren county Kentucky.

Mr. Rice, from the committee of Propositions and Grievances, reported a bill to change the name of William O. Gallihew to that of William Rice.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as afo resaid.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill for the benefit of Paulina G. Rodes and her children, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Boyle, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

Mr. J. S. Morgan moved to amend the said bill by adding thereto the following section, viz:

"Be it further enacted, That this act shall not take effect until the first day of February, 1843."

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Clarke and Hanson, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Johnson, B. B.	Pratt,
Bennett,	Johnston, G. W.	Rice,
Garth,	McAfee,	Wallace,
Griffith,	Morgan, J. S.	Williams, M-14.
James,	Palmer,	

Those who voted in the negative, were-

Messrs. Alexander,	Huston,	Slaughter,
Burnett,	Jesup,	Sterett,
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Payne,	Walker, J.V.
Hanson,	Pirtle,	Williams, S. L.
Hardin,	Rodes,	Young-22.
Hughes.		

The question was then taken on reading the said bill a third time, and it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Bailey and S. L. Williams, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Hanson,	Payne,
Bennett,	Hardin,	Rodes,
Burnett,	Huston,	Slaughter,
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Morgan, J. S.	Williams, S. L-18

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Those who voted in the negative, were-

Messrs. Bailey,
Garth,
Griffith,
Hughes,
James,
Jesup,

Johnson, B. B.
Johnston, G. W.
McAfee,
Palmer,
Pirtle,
Pratt,

Rice, Sterett, Wallace, Walker, J. V. Williams, M. Young—18.

And then the Senate adjourned.

SATURDAY, FEBRUARY 12, 1842.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act concerning the revenue of 1842.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Anderson Wade.

An act to amend the law relating to Pedlars.

With an amendment to the last bill.

That they had passed bills of the following titles, to wit:

An act for the divorce of Ann Creighton.

An act to incorporate the Paducah Baptist Church.

An act to incorporate the Paducah Methodist Episcopal Church.

An act for the divorce and change of name of Amanda Skeeters.

An act for the divorce of Mary O. Knight.

An act to legalize the marriage of James Lashbrook and Nancy Burkhead.

An act for the divorce of Elizabeth Million.

An act for the divorce of Mary S. Brockway.

An act for the divorce of Robert S. Brame.

An act for the benefit of the Sheriff of Meade county.

An act for the benefit of Allen Gudgel, late Sheriff of Bath County, and his deputies.

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of Thomas Parker late Sheriff of Lewis county, and for other purposes.

An act for the benefit of Thompson N. Stratton.

An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

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An act for the benefit of the citizens of Lawrence county, and for other purposes.

An act for the benefit of John Hulme,

1. Mr. Griffith presented the petition of George W. King, praying for the passage of a law to re-imburse him for damages sustained by the erection of lock and dam No. 1, on Green river.

2. Mr. Bailey presented the petition of Coonrod Rontsaw, praying for a

divorce from his wife.

Which were received and referred: the 1st to the committee on Internal Improvement, and the 2d to the committee on Religion.

Messrs. Hughes and D. Morgan were added to the select committee on

the memorials of M. R. Stealey and Henry J. Eastin.

Mr. G. W. Johnston, from the committee on Finance, to whom were referred the petitions of Mrs. Susan Trigg and William Hunter, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

Which was concurred in.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill for the benefit of Lud Fore, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-

said.

On the motion of Mr. G. W. Johnston, the committee on Finance was discharged from the further consideration of a bill to regulate the prices of

the public printing, to them referred.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the prices of the public printing, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. McAfee, from the committee on Education, reported a bill for the benefit of Common Schools in Franklin county—which was read the first

time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Garth moved to amend the said bill by striking out the second section thereof, which is as follows, viz:

SEC. 2. It shall be the duty of the Auditor of Public Accounts to issue his warrant upon the Treasurer in favor of the Commissioners of Common Schools for Franklin county, for the sum of one thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated; which sum shall be loaned out and the interest applied as aforesaid.

The question being taken on striking out said section, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Mc-Afee, were as follows, to wit:

Those who voted in the affirmative, were-

Rice. Hughes, Messrs. Alexander, Rodes, Huston, Bennett, Slaughter, Jesup, Burnett, Johnston, G. W. Sterett, Clarke, Sympson, Craddock, Loving, Wallace, Morgan, D. Dyer, Williams, M. Payne, Garth, Williams, S. L. Pirtle, Griffith, Young—28. Pratt, Hanson, Hardin,

Those who voted in the negative, were-

Messrs. Johnson, B. B. McAfee—2.

Ordered, That the said bill be re-committed to the committee on Education.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the terms of certain Circuit Courts in the 17th Judicial District, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the committee on the Judiciary, reported a bill for the benefit of the Female Academies of Nazareth and Loretto.

Mr. Pirtle, from the same committee, reported a bill further to amend the charter of the Mechanics' Savings Institution of Louisville.

Mr. Payne, from the same committee, reported a bill to amend an act, entitled, an act to appoint Patroles in the Commonwealth of Kentucky.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill to amend the act to allow the Independent Banks of this Commonwealth further time to settle their concerns, reported the same with the opinion of the committee that it ought not to pass.

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Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act concerning the Court of Appeals.

An act for the benefit of the widow and heirs of George W. Hoy, dec'd.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill concerning Justices of the Peace, reported the same without amendment. An amendment was moved thereto, and the said bill, and amendment, were recommitted to the committee on the Judiciary.

A bill to amend the slave law of 1833 was taken up.

Mr. Payne moved to lay the said bill on the table for the present. The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Payne, were as follows, viz:

Those who voted in the affirmative, were-

	~ · m · 1	The state of the s
Messrs. Alexander,	Griffith,	Payne,
Bailey,	Hanson,	Pirtle,
Bennett,	Hardin,	Rodes,
Burnett,	Huston,	Slaughter,
Clarke,	Johnston, G. W.	Sympson,
Craddock,	Loving,	Wallace,
Dyer,	Morgan, D.	Walker, C. J.
Garth,	Morgan, J. S.	Williams, S. L-24

Those who voted in the negative, were-

Messrs. Hughes,	McAfee,	Sterett,
James,	Palmer,	Williams, M.
Jesup,	Pratt,	Young—11.
Johnson, B. B.	Rice.	

A bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky, was referred to the committee of the whole House, and made the order of the day for Monday the 14th instant.

Bills of the following titles, to wit:

An act to amend the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20th, 1839.

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Anact to amend an act providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

Together with the amendments proposed thereto by the House of Representatives, were referred to the committee on the Judiciary.

A bill to amend the law relating to Pedlars, together with the amendments proposed thereto by the House of Representatives, was referred to the committee on Finance.

An engrossed bill, entitled, an act allowing an additional Constable to Lawrence county, was read a third time.

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, "and for other purposes."

Leave was given to bring in the following bills, to wit:

On the motion of Mr. M. Williams—I. A bill for the benefit of Thomas Prather, committee for Josiah Prather, an idiot.

On the motion of Mr. Clarke—2. A bill to incorporate the Franklin Society.

On the motion of Mr. Wallace--3. A bill for the benefit of the Clerk of the Gallatin County Court.

On the motion of Mr. James—4. A bill to authorize the Trustees of the town of Mayfield to sell a lot known on the plan of said town as the College lot.

The committee on Finance was directed to prepare and bring in the 1st and 3d, and the committee on Education the 2d and 4th.

Mr. Dyer presented the petition of B. B. Beeson and others, praying for the passage of a law appointing Trustees to demand and receive from the executor of the estate of John Read, deceased, late of Butler county, a sum of money bequeathed by said Read to the Christian Church at Caney Fork, in said county—which was received and referred to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act to establish the county of Ballard, was read the third time.

Mr. James moved the following resolution thereon, viz:

Resolved, That the bill be referred to the committee of Propositions and Grievances, with instructions so to amend the bill as to authorize a vote to be taken by the qualified voters now residing within the proposed bounds of the county of Ballard, for the purpose of determining as to the extent of the curtail from Hickman; and that if a majority shall vote in favor of an eight mile curtail from the county of Hickman, then, and in that event, the county shall only reach eight miles into Hickman, from the corner of Hickman and Graves counties, and from thence west to the Mississippi river; but if a majority shall vote for the twelve mile curtail as proposed in the bill, the county shall, in that event, remain as proposed in the bill, the above vote or poll to be returned to the Circuit Judge, who shall have full power to de-

cide upon the legality of said vote; and after said decision having been made, he shall cause an order to be entered of record to that effect in the counties of Hickman and McCracken, which shall be conclusive as to the result.

Mr. Burnett moved the previous question; and the question being taken, shall the main question be now put? it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Garth, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,	Hardin,	Rice,
Clarke.	Huston,	Slaughter,
Craddock,	Johnston, G. W.	Walker, C. J.
Dyer,	Morgan, D.	Williams, S. L-14
Hanson,	Payne,	

Those who voted in the negative, were-

Messrs. Alexander,	Jesup,	Pratt,
Bailey,	Johnson, B. B.	Rodes,
Bennett,	Loving,	Sterett.
Garth,	McAfee,	Sympson,
Griffith,	Morgan, J. S.	Wallace,
Hughes,	Palmer,	Williams, M.
James,	Pirtle,	Young-21.

The question was then taken on the adoption of the resolution offered by Mr. James, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Garth, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Johnson, B. B.	Sterett,
Garth,	Loving,	Sympson,
Griffith,	McAfee,	Wallace,
Hughes,	Morgan, J. S.	Williams, M.
James,	Palmer,	Young—16.
Tesun		Marie Marie Carlotte

Those who voted in the negative, were-

Messrs. Alexander,	Hanson,	Pirtle,
Bennett,	Hardin,	Rice,
Burnett,	Huston,	Rodes,
Clarke,	Johnston, G. W.	Slaughter,
Craddock,	Morgan, D.	Walker, C. J.
Dver,	Payne,	Williams, S. L-18

The question was then taken on the passage of said bill, and it was decided in the affirmative.

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L-18 as deThe yeas and nays being required thereon by Messrs. Hanson and James, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Hardin,	Rice,
Bennett,	Huston,	Rodes,
Burnett,	Johnston, G. W.	Slaughter,
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Payne,	Williams, S. L.
Hanson,	Pirtle,	Young—21.

Those who voted in the negative, were-

Messrs. Bailey,	Jesup,	Pratt,
Garth,	Johnson, B. B.	Sterett,
Griffith,	McAfee,	Wallace,
Hughes,	Morgan, J. S.	Williams, M-14.
James,	Palmer,	

Resolved, That the title of the said bill be as aforesaid.

On the motion of Mr. Bennett, leave was given to bring in a bill for the benefit of the Sheriff of Campbell county, and the committee of Finance was directed to prepare and bring in the same.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act to establish the county lines between the counties of Greenup, Carter and Lawrence.

An act for the benefit of the Constable in the district of Sovereign Popplewell, a Justice of the Peace of Wayne county, and for other purposes.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.

An act to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes.

An act to extend the Constables' district including the town of Breathitt. An act for the benefit of the Clerk of the County Court of Fleming, and for other purposes.

An act to amend an act, entitled, an act appropriating six thousand acres of land west of the Tennessee river, for the erection of a bridge across Pittman's creek, in Green county.

An act for the benefit of John Hockersmith.

An act to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.

An act for the benefit of the Clerk of the Garrard County Court.

An act for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson.

An act to establish an election precinct in Fleming county, and for other purposes.

An act to enlarge the Constables' district in the town of Monticello.

An act to establish the county of Marshall.

An act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hali.

An act to change the place of voting in certain election precincts in the

countirs of Lewis, Knox and Shelby,

An act to vacate a part of the Town of Westport, and for other purposes.

And enrolled bills which originated in the Senate of the following titles,

wit:

An act for the benefit of Andrew J. James.

An act for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

An act to amend the charter of the city of Maysville.

An act to allow additional Constables to the counties of Spencer and Muhlenburg.

An act for the benefit of Christopher A. Rudd's widow and children.

An act to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

An act for the benefit of the widow and heirs of Asa Pittman, deceased, and James Frazer.

An act for the benefit of Samuel Lawler.

An act concerning the 17th Judicial District.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

At half past one o'clock, P. M., Mr. Pratt moved that the Senate do now

adjourn.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Clarke, were as follows, viz:

Those who voted in the affirmative, were-

Messrs Bailey, Bennett, Garth, Griffith, Hughes, James, Jus-

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Jesup, Johnson, B. B. Johnston, G. W. McAfee,

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Morgan, J. S. Palmer, Pratt, Rice,

Sterett, Wallace, Williams, M. Young—18.

Those who voted in the negative, were-

rs. Alexander,	Hardin,
Burnett,	Huston,
Clarke,	Loving,
Craddock,	Morgan, D.
Dyer,	Payne,
Hanson,	Pirtle,
A DESCRIPTION OF THE PROPERTY OF THE PARTY.	

Rodes, Slaughter, Sympson, Walker, C. J. Williams, S. L-17

And then the Senate adjourned.

MONDAY, FEBRUARY 14, 1842.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, to wit:

An act for the benefit of Paulina G. Rodes, and her children.

An act for the benefit of the Preachers' Aid Society of the Kentucky Conference.

An act authorizing Joel P. Williams and others, to sell a certain Church in Harrodsburg.

That they had passed bills of the following titles, to wit:

1. An act for the benefit of George Janes.

2. An act for the benefit of the children of John and Susan Whip.

2. An act authorizing the sale of the ground adjoining the Locust Methodist Episcopal Church, in the county of Fleming.

4. An act allowing one additional Justice of the Peace to the county of Laurel, and for other purposes.

5. An act to amend the law concerning the Goose creek turnpike road, in the counties of Clay and Laurel.

6. An act for the benefit of William B. Graves and wife.

7. An act to repeal an act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1st, 1836.

8. An act to repeal all acts, or parts of acts, declaring Dix river a navigable stream, and for other purposes.

9. An act for the benefit of Leonard B. Johnston.

10. An act for the benefit of Catharine Cotton, and the infant heir of Robert Cotton, deceased.

11. An act to allow an additional Constable to Pendleton county.

12. An act to change the time of holding the Circuit and County Courts in the counties of Simpson and Allen, and for other purposes.

13. An act to allow an additional Constable in the county of Todd.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Finance; the 2d, 3d, 4th, 6th, 7th, 9th, 10th, 11th and 12th to the committee on the Judiciary; the 5th and 8th to the committee on Internal Improvement, and the 13th was ordered to be read a third time.

The constitutional rule as to the third reading of the 13th bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

1. Mr. D. Morgan presented the petition of sundry citizens of Fleming county, praying for the establishment of a Commonwealth's Bank, or some other measure of relief.

2. Mr. Slaughter presented the petition of Elisha Weller, praying for a divorce from his wife.

3. Mr. Griffith presented the petition of a majority of the Trustees of the Hopkins Seminary, praying for the passage of a law authorizing additional Trustees to be appointed to said institution.

Which were received and referred: the 1st to the committee on Banks; the 2d to the committee on Religion, and the 3d to the committee on Education.

On the motion of Mr. Clarke, the committee on Internal Improvement was discharged from the further consideration of the following petitions, to them referred, to wit:

1. The petition of F. P. Blair.

2. The petition of J. C. Young and E. H. Watson.

3. The proceedings of a public meeting of the citizens of Carroll county; and the 1st and 2d were referred to the committee on the Judiciary, and the 3d to the select committee appointed on the memorials of M. R. Stealey and H. J. Eastin.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred the petition of John Sword, and others, reported the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Which was concurred in.

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was g reMr. Clarke, from the same committee, reported a bill to amend an act, entitled, an act appointing commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston, approved February 9th, 1828.

Also, a bill concerning the Maysville and Mountsterling turnpike road. Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the County Court of Daviess to change the location of a State road, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill, entitled, an act to amend the law regulating Pedlars, together with the amendments proposed by the House of Representatives, reported the same without further amendment, and the amendments of the House of Representatives to said bill were concurred in.

Bills from the House of Representatives of the following titles, viz:

- 1. An act for the benefit of the Sheriffs of Meade, Hart and Marion counties.
- 2. An act for the benefit of Mechanics, and others, performing labor or furnishing materials for the constructing or repairing of buildings in the towns of Hickman and Frankfort.
- 3. An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840.
- 4. An act authorizing a change of venue in the case of the Commonwealth against Richard Singleton.
- 5. An act allowing additional Justices of the Peace to the counties of Mason and Wayne.
 - 6. An act for the benefit of Sarah Gough.
 - 7. An act for the benefit of Elizabeth Green.
 - 8. An act for the divorce of Ann Creighton.
 - 9. An act to incorporate the Paducah Baptist Church.
 - 10. An act to incorporate the Paducah Methodist Episcopal Church.

- 11. An act for the divorce and change of name of Amanda Skeeters.
- 12. An act for the divorce of Mary O. Knight.
- 13. An act to legalize the marriage of James Lashbrook and Nancy Burkhead.
 - 14. An act for the divorce of Elizabeth Million.
 - 15. An act for the divorce of Mary S. Brockway.
 - 16. An act for the divorce of Robert S. Brame.
 - 17. An act for the benefit of the Sheriff of Meade county.
- 18. An act for the benefit of Allen Gudgel, late Sheriff of Bath County, and his deputies.
 - 19. An act for the benefit of the Sheriff of Breathitt county.
- 20. An act for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.
 - 21. An act for the benefit of Thompson N. Stratton.
- 22. An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.
- 23. An act for the benefit of the citizens of Lawrence county, and for other purposes.
 - 24. An act for the benefit of John Hulme.

Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 17th, 18th, 19th, 20th 22d and 24th were referred to the committee on Finance; the 2d, 3d, 4th, 5th, 6th, 7th, 9th, 10th, 21st and 23d to the committee on the Judiciary, and the 8th, 11th, 12th, 13th, 14th, 15th and 16th to the committee on Religion.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of the widow and heirs of Asa Pittman, deceased, and James Frazer.

An act to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

An act to amend the charter of the city of Maysville.

An act for the benefit of Christopher A. Rudd's widow and children.

An act for the benefit of Andrew J. James.

An act for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

An act allowing additional Constables in the counties of Spencer and Muhlenburg.

Approved February 12, 1842.

An act concerning the 17th Judicial District.

Approved February 14, 1842.

 Λ message, in writing, was received from the Governor, by Mr. Harlan Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Executive Office, February 14, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, William Reed to be Colonel of the 2d Regiment, in place of Peter Able, resigned.

Stephen T. Ballard to be Lieutenant Colonel of the 2d Regiment, in place of William Reed, promoted.

William H. Able to be Major of the 2d Regiment.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows:

Gentlemen of the Senate:

I nominate for your advice and consent, Daniel S. Richardson to be Sheriff of Meade county, in the place of James B. Woolfolk, who was commissioned Sheriff of said county the 31st of last month, but died before he qualified.

R. P. LETCHER.

February 14, 1842.

Resolved, That the Senate advise and consent to the said appointment.

Mr. McAfee, from the committee on Education, to whom was referred a bill for the benefit of Common Schools in Franklin county, reported the same with amendments, which were concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, to wit:

By Mr. Payne, from the committee on the Judiciary—A bill for the benefit of the infant heirs of Tabitha Gooch, deceased.

Also-A bill for the benefit of the widow and heirs of John T. Langhorn, deceased.

Also-A bill for the benefit of Harrison Rankins, and wife and children.

By Mr. Pirtle, from the same committee—A bill for the benefit of Richard T. and John H. Allison.

Which bills were severally read the first time, and ordered to be read a second time.

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The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rice—1. A bill to reduce the salary of the President of the Bank of the Commonwealth.

On the motion of Mr. Burnett—2. A bill to regulate elections in Marshall county.

On the motion of Mr. Clarke—3. A bill for the benefit of the Clerk of the Woodford County Court.

On the motion of Mr. Huston—4. A bill to attach the county of Crittenden to the 16th Judicial District, and for other purposes.

Messrs. Rice, Burnett and Sterett were appointed a committee to prepare and bring in the 1st; Messrs. Clarke, G. W. Johnston and Bailey the 3d; the committee on Privileges and Elections was directed to prepare and bring in the 2d, and the committee on Courts of Justice the 4th.

A bill to amend the slave law of 1833 was taken up, and placed in the orders of the day.

It was moved and seconded that the Senate do now resolve itself into a committee of the whole House on the state of the Commonwealth, for the purpose of considering a bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and S. L. Williams, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Alexander,	James,	Pratt,
Bailey,	Jesup,	Rice,
Garth,	Johnson, B. B.	Sterett,
Griffith,	McAfee,	Wallace,
Hughes,	Palmer,	Williams, M—15.

Those who voted in the negative, were-

Messrs. Bennett,	Huston,	Rodes,
Burnett,	Loving,	Slaughter,
Clarke,	Morgan, D.	Sympson,
Craddock,	Morgan, J.S.	Walker, C. J.
Hanson,	Payne,	Williams, S. L.
Hardin,	Pirtle,	Young—18.

An engrossed bill, entitled, an act to amend the act to allow the independent Banks of this Commonwealth further time to settle their concerns, was read the third time, and amended by way of engrossed ryder.

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Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of W. and A. Cooper, was read the third time.

The question being taken on the passage thereof, it was decided in the negative, and so the said bill was disagreed to.

A bill from the House of Representatives, entitled, an act to establish the county of Boyle, and for other purposes, was read a third time.

Mr. Bailey moved to postpone the further consideration of said bill until Wednesday next.

Mr. Hanson moved the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and S. L. Williams, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Hanson,	Payne,
Bennett,	Hardin,	Rodes,
Burnett,	Huston,	Slaughter,
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dyer,	Morgan, J. S.	Williams, S. L-18
Dyon,	Molgan, J. S.	Williams, S. L-

Those who voted in the negative, were-

Messrs. Bailey,	Johnson, B. B.	Rice,
Garth,	Johnston, G. W.	Sterett,
Griffith,	McAfee,	Wallace,
Hughes,	Palmer,	Williams, M.
James,	Pirtle,	Young—17.
Jesup,	Pratt.	roung—11.

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Mc-Afee, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Bennett,	Hanson,	Payne,
Burnett,	Hardin,	Rodes,
Clarke,	Huston, Loving,	Slaughter,
Craddock,	Morgan, D.	Sympson, Walker, C. J.
Dyer,	Morgan, J. S.	Williams, S. L-18
NEAR THE PROPERTY OF THE PARTY		

Those who voted in the negative, were-

Messrs. Bailey,	Johnson, B. B.	Rice,
Garth,	Johnston, G. W.	Sterett,
Griffith,	McAfee,	Wallace,
Hughes,	Palmer,	Williams, M.
James,	Pirtle,	Young-17.
Jesup.	Pratt.	

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act changing the time of holding the Trimble County Court, was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-

Mr. James, from the committee appointed for that purpose, reported a bill prohibiting the sale of personal property under execution, unless it will sell for two thirds of its value—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill, entitled, an act amending the act authorizing the Clarke County Court, to appoint a Treasurer, approved February 20, 1839, and the amendment thereto, proposed by the House of Representatives, reported the same without further amendment.

Resolved, That the said amendment be concurred in.

And then the Senate adjourned.

TUESDAY, FEBRUARY 15, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act for the benefit of the Clerk of the Garrard County Court.

An act for the benefit of Lewis Justice, David Ford, Isaac Taylor and Joshua Robinson.

15.

An act to vacate a part of the Town of Westport, and for other purposes.

An act to repeal an act to increase the powers of the Christian County Court, and for other purposes.

An act to amend the several acts incorporating the Henderson, Madi-

sonville and Hopkinsville Turnpike Road Company.

An act to establish a State road from Liberty, through Russell county, to Albany, in Clinton county.

An act to amend an act, entitled, an act appropriating six thousand acres of land west of the Tennessee river, for the erection of a bridge across Pittman's creek, in Green county.

An act for the benefit of the Clerk of the County Court of Fleming, and for other purposes.

An act to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.

An act for the benefit of John Hockersmith.

An act to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes.

An act to extend the Constables' district including the town of Breathitt.

An act for the benefit of the Constable in the district of Sovereign Popplewell, a Justice of the Peace of Wayne county, and for other purposes.

An act to establish the county lines between the counties of Greenup, Carter and Lawrence.

An act to enlarge the Constables' district in the town of Monticello.

An act to establish an election precinct in Fleming county, and for other purposes.

An act to change the place of voting in certain election precincts in the counties of Lewis, Knox and Shelby.

An act to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall.

An act to establish the county of Marshall.

Approved February 12, 1842.

That they had concurred in the adoption of a resolution from the Senate for an adjournment of the General Assembly, with an amendment, which amendment was concurred in.

That they had passed a bill from the Senate, entitled an act to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved February 10th, 1841.

That they had adopted a resolution in relation to tolls charged at the locks—which was referred to the committee on Internal Improvement.

That they had passed bills of the following titles, to wit:

1. An act to reduce into one, and digest and amend the acts and amendatory acts incorporating the city of Lexington.

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- 2. An act for the benefit of William and Jacob Luce.
- 3. An act for the benefit of Thomas Hagins, and for other purposes.
- 4. An act to establish a State road from the Ohio river to Albany, in Clinton county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 2d were referred to the committee on the Judiciary, and the 3d and 4th to the committee on Internal Improvement.

On the motion of Mr. B. B. Johnson, leave was given to withdraw the petition of Mrs. Susan Trigg.

- 1. Mr. B. B. Johnson presented the petition of Elizabeth Brame, praying for a divorce from her husband.
- 2. Mr. J. S. Morgan presented the petition of Mrs. Sally Ann Niles, widow and administratrix of Hezekiah Niles, deceased, suggesting the propriety of the State purchasing such a number of the sets of the Register, bearing his name, as may be proper.
- 3. Mr. Sterett presented the petition of sundry citizens of the town of Hardinsburg, praying for the passage of a law authorizing the County Court of Breckenridge county, at their next March term, to appoint Trustees to the Hardinsburg Seminary.
- 4. Mr. Palmer presented the petition of Thomas B. Hughes, administrator of the estate of John H. Linton, deceased, and guardian of John F. Linton, praying for the passage of a law authorizing the said Hughes to apply the money coming to his ward to the payment of the debts due from the estate of said John H. Linton, deceased.
- 5. Mr. Sterett presented the petition of sundry citizens of Hancock county, praying for the passage of a law to incorporate a company in said county, by the name of the President and Directors of the Hancock Pond Draining Company.

Which were received and referred: the 1st to the committee on Religion; the 2d to the committee on the Library; the 3d and 4th to the committee on the Judiciary, and the 5th to the committee on Internal Improvement.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills of the following titles, viz:

A bill prohibiting the sale of personal property under execution, unless the same will bring two thirds of its value.

A bill concerning Justices of the Peace,

Reported the same with the opinion of the committee that they ought not to pass, and the said bills were placed in the orders of the day.

Mr. Hanson, from the same committee, to whom was referred the pro-

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ceedings of a public meeting of the citizens of Louisville in relation to issuing city scrip, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Hanson, from the same committee, reported a bill granting a change of venue to Vardeman Faris—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the town of Independence, in the county of Kenton, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and further to regulate the town of Stephensport."

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the duty of preparing and bringing in the following bills, viz:

A bill providing for the annual inspection of the official books and papers of Justices of the Peace of this Commonwealth.

A bill to amend the laws against gaming by prohibiting the drawing of lotteries, and selling lottery tickets in the State of Kentucky.

A bill more effectually to suppress mobs in this Commonwealth.

A bill to establish the 19th Judicial District, to be composed of the counties west of the Tennessee river.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of the petition of F. P. Plair, and the petition of J. C. Young and E. H. Watson, and the said petitions were referred to the committee on Internal Improvement.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill to regulate the rate of conventional interest.

Also, a bill to amend the law in relation to the assignment of notes, &c., reported the same without amendment, and the said bills were placed in the orders of the day.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to wit:

1. An act to change the time of holding the Circuit and County Courts in the counties of Simpson and Allen, and for other purposes.

- 2. An act authorizing a change of venue in the case of the Commonwealth against Richard Singleton.
 - 3. An act to allow an additional Constable to Pendleton county.
- 4. An act allowing one additional Justice of the Peace to the county of Laurel, and for other purposes.
- 5. An act allowing additional Justices of the Peace to the counties of Mason and Wayne.
- 6. An act authorizing the sale of the ground adjoining the Locust Methodist Episcopal Church, in the county of Fleming.
 - 7. An act to incorporate the Paducah Methodist Episcopal Church.
 - S. An act to incorporate the Paducah Baptist Church.

Reported the same without amendment.

The first bill was placed in the orders of the day, and the others were ordered to be read a third time.

The constitutional rule as to the third reading of the 2d, 3d, 4th, 5th, 6th, 7th and 8th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Payne, from the committee on the Judiciary-1. A bill in relation to free negroes and mulattoes.

By Mr. Pirtle, from the same committee—2. A bill to amend the law concerning depositions.

By Mr. Rodes, from the committee on Religion—3. A bill for the divorce of Elisha Weller.

By Mr. Clarke, from the committee on Internal Improvement—4. A bill concerning turnpike roads in this Commonwealth.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d was placed in the orders of the day, and the 1st, 3d and 4th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hiram McElroy, a member of the Senate from the second Senatorial District, appeared and produced a certificate of his election, and of his having taken the several oaths required by the Constitution of the United States, and the Constitution and laws of this State, and took his seat.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Lucy B. Green, reported the same without amendment.

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Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to repeal all acts, or parts of acts, declaring Dix river a navigable stream, and for other purposes.

An act to amend the law concerning the Goose creek turnpike road, in the counties of Clay and Laurel.

An act for the benefit of Nancy Ford.

An act to amend an act supplemental to an act, entitled, an act to improve the navigation of Nolin, approved February 20th, 1835.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clarke, from the same committee, to whom was referred the petition of George W. King, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

The committee of the whole House was discharged from the further consideration of a bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State, and the said bill was re-commtted to the committee of Internal Improvement.

A bill to amend the slave law of 1833, came up in the orders of the day.

Mr. Payne moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bennett, Loving, Rice. Burnett, Morgan, D. Rodes, Clarke, Morgan, J. S. Craddock, Palmer, Slaughter, Sympson, Hardin, Walker, C. J. Payne, Hughes, Pirtle, Williams, S. L-20 Huston, Pratt.

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Those who voted in the negative, were-

Messrs. Alexander, Garth, Hanson, James,	Jesup, Johnson, B. B. McAfee, McElroy.	Sterett, Wallace, Williams, M Young—12.
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Mr. J. S. Morgan, from the committee to whom was referred resolutions from the House of Representatives in relation to amendments of the Constitution of the United States, reported the same with an amendment.

Mr. Garth moved to lay the said resolutions and amendment on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and Rice, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bennett,	Johnson, B. B.	Rice,
Burnett,	McAfee,	Wallace,
Garth,	Pratt,	Williams, M—10.
Hughes,		

Those who voted in the negative, were-

Messrs. Alexander, Clarke, Craddock, Hanson, Hardin, Huston,	Jesup, Loving, McElroy, Morgan, D. Morgan, J. S. Palmer,	Pirtle, Rodes, Slaughter, Sympson, Williams, S. L. Young—20.
James,	Payne,	

The said amendment was concurred in.

Mr. Hughes moved an amendment, and on the motion of Mr. J. S. Morgan, the further consideration of the said resolutions were postponed and made the order of the day for to-morrow.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20th, 1839, and for other purposes.

An act to amend the law relating to Pedlars, and for other purposes.

An act authorizing Joel P. Williams and others, to sell a certain Church in Harrodsburg.

An act for the benefit of the Preachers' Aid Society of the Kentucky Conference.

An act for the benefit of Paulina G. Rodes, and her children. An act for the benefit of Anderson Wade. ns

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And enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to establish the county of Ballard. An act concerning the Court of Appeals.

An act for the benefit of the widow and heirs of George W. Hoy, dec'd.

An act to establish the county of Boyle, and for other purposes.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Clarke-1. A bill for the benefit of the holders and owners of lots in the town of Midway.

On the motion of Mr. Griffith—2. A bill to extend the time for registering headright plats and certificates, and legalizing those already received since the 1st day of August, 1840, when the old law expired.

On the motion of Mr. Young—3. A bill to regulate the 8th and 18th Judicial Districts.

On the motion of Mr. Huston—4. A bill allowing further time to the 32d Regiment, Kentucky Militia, to hold their Court of Assessment.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on the Judiciary the 3d; the committee on Military Affairs the 4th, and Messrs. Griffith, Slaughter and Sterett were appointed a committee to prepare and bring in the 2d.

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And then the Senate adjourned.

WEDNESDAY, FEBRUARY 16, 1842.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, to wit:

An act concerning the action of replevin.

An act for the benefit of William B. Dunlap.

An act concerning the payment of taxes on non-residents' land, and for other purposes.

An act for the benefit of John S. Bush.

An act for the benefit of Mary Hall and her children.

An act to incorporate the Trustees of the Parsonage of the Mountsterling Circuit of the Methodist Episcopal Church.

An act for the benefit of Benjamin Doom and Jonathan Simpson.

An act for the benefit of the heirs, legal representatives and securities of George A. M. Elder.

An act for the benefit of Chrales B. May, Surveyor of Spencer county.

An act for the benefit of Jacob Mayo, late Clerk of the Floyd Circuit Court.

An act concerning bills of exchange.

An act to incorporate the Funk Seminary.

An act to authorize the County Court of Morgan county to straighten a road.

An act to allow three additional Constables to Spencer county.

An act for the benefit of the Sheriff of Carter county.

With amendments to the five last named bills.

That they had passed bills of the following titles, to wit:

An act to provide for the removal of the steamboat New Argo, sunk in Kentucky river.

An act concerning the roads in Campbell county.

An act to amend the road law in Kenton county.

An act to amend an act, entitled, an act to establish and improve a State road from Landing, in Boone county, to intersect the Covington and Lexington turnpike road, approved January the 29th, 1836.

An act to amend the law concerning public roads.

An act for the benefit of A. Rawlings,

An act for the benefit of Richard Cundiffe, sen'r.

An act authorizing the County Court of Floyd to change the State road leading from Mountsterling to the Virginia line.

An act for the benefit of the Contractors on the Crab Orchard and Cumberland Gap turnpike road.

Which bills were severally read the first time, and ordered to be read a

second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was ordered to be read a third time, and the other bills were referred to the committee on Internal Improvement.

The constitutional rule as to the third reading of the 1st bill being dis-

pensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

1. Mr. Rodes presented the petition of David A. Sayre, praying for the passage of a law authorizing the Auditor of Public Accounts to pay him the interest due upon certain State bonds which have been lost, and have said bonds renewed.

2. Mr. Sterett presented the petition of sundry citizens, praying for the passage of a law authorizing a change in the county lines between Breckinridge and Meade counties, so as to include all the property of Achilles M. Clarkson in Breckinridge county.

3. Mr. Hughes presented the petition of sundry citizens of Pleasureville,

praying for the passage of a law incorporating said town.

Which were received and referred: the first to the committee on the Sinking Fund, and the 2d and 3d to the committee on Propositions and Grievances.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of the Preachers' Aid Society of the Kentucky

Conference.

An act to authorize Joel P. Williams, and others, to sell a certain Church in Harrodsburg,

An act amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20th, 1839, and for other purposes.

An act to amend the law relating to Pedlers, and for other purposes.

An act for the benefit of Anderson Wade.

An act for the benefit of Paulina G. Rodes and her children.

Approved February 15, 1842.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred a bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky, reported the same with amendments.

Ordered, That said bill be committed to a committee of the whole House, and made the order of the day for to-morrow.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of a bill, entitled, an act to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes, together with the amendments proposed by the House of Representatives, and the said bill and amendment were referred to the committee on Finance.

Mr. Hardin, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Leonard B. Johnston,

An act for the benefit of William B. Graves and wife.

An act to incorporate the Trustees of the Henderson College.

An act for the benefit of Catharine Cotton, and the infant heir of Robert Cotton, deceased.

An act for the benefit of Thompson N. Stratton.

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him have Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, made the following report, viz:

The committee on Privileges and Elections have had under consideration the returns from the several Senatorial Districts, and report the following gentlemen elected, to wit:

From the 1st Senatorial District, Thomas James; from the 2d, Hiram McElroy; from the 3d, Samuel B. Jesup; from the 4th, James V. Walker; from the 5th, William R. Griffith; from the 6th, William V. Loving; from the 7th, Asa Young; from the 8th, James C. Sympson; from the 9th, John D. Alexander; from the 10th, Parker C. Hardin; from the 11th, Rhodes Garth; from the 12th, William Sterett; from the 13th, Dillis Dyer; from the 14th, Jesse Craddock; from the 15th, Henry Pirtle; from the 16th, James N. Hughes; from the 17th, George W. Johnston; from the 18th, G. Clayton Slaughter; from the 19th, Robert C. Palmer; from the 20th, Robert B. Mc-Afee; from the 21st, Isaac Burnett; from the 22d, Winford G. Bailey; from the 23d, Charles J. Walker; from the 24th, John A. Moore; from the 25th, John Wallace; from the 26th, John Bennett; from the 27th, John S. Morgan; from the 28th, Benjamin B. Johnson; from the 29th, John Pratt; from the 30th, Mark E. Huston; from the 31st, William Rodes; from the 32d, William Clarke; from the 33d, Samuel L. Williams; from the 34th, James M. Rice; from the 35th, Daniel Morgan; from the 36th, Thomas Y. Payne; from the 37th, Mason Williams; from the 38th, Samuel Hanson.

Your committee find the term of service of James V. Walker, Dillis Dyer, George W. Johnston, Isaac Burnett, Charles J. Walker, John Wallace, John S. Morgan, John Pratt, William Clarke, and James M. Rice, will expire in the year 1842.

Samuel B. Jesup, William Sterett, Henry Pirtle, James N. Hughes, G. Clayton Slaughter, Daniel Morgan, Thomas Y. Payne, Mason Williams, and Samuel Hanson, in the year 1843.

Thomas James, William R. Griffith, Asa Young, James C. Sympson, Parker C. Hardin, Rodes Garth, Jesse Craddock, Winford G. Bailey, Benjamin B. Johnson, and Samuel L. Williams, in the year 1844.

John A. Moore, John D. Alexander, John Bennett, William V. Loving, Robert C. Palmer, Hiram McElroy, Robert B. McAfee, Mark E. Huston, and William Rodes, in the year 1845.

All of which is respectfully submitted.

MARK E. HUSTON, Chairman.

The following bills were reported, to wit:

By Mr. Hanson, from the committee on the Judiciary—I. A bill to attach the county of Crittenden to the 16th Judicial District, and for other purposes.

By Mr. Huston, from the committee on Privileges and Elections—2. A bill to regulate elections in the county of Marshall, and for other purposes.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Robert C. Holland, praying a divorce from his wife, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Mr. Hanson moved to amend the said resolution by striking out the words "be rejected," and inserting in lieu thereof, the words "is reasonable"—which was discussed for some time.

And then the Senate adjourned.

THURSDAY, FEBRUARY 17, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to establish the county of Ballard.

An act to establish the county of Boyle, and for other purposes.

An act for the benefit of the widow and heirs of George W. Hoy, dec'd.

An act concerning the Court of Appeals.

Approved February 16, 1842.

That they had passed bills from the Senate of the following titles, viz: An act to invest the Craddock Fund.

An act to incorporate the Pilots' and Commercial Insurance Company.

An act to incorporate the Trustees of Hawesville Seminary.

An act granting a change of venue to John Hughes.

With an amendment to the last named bill.

That they had passed bills of the following titles, to wit:

1. An act to incorporate the Physiological Temperance Society of the Medical Institute of Lovisville.

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R. P. LETCHER.

2. An act to change the name of Rebecca Ann Smith, and for other purposes.

3. An act to incorporate the Trustees of the Moscow Seminary.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances, and the 3d to the committee on Education.

Mr. Sterett presented the petitions of Daniel Swim and Elizabeth Swim, his wife, praying to be divorced from each other.

Mr. McAfee presented the petition of Thomas Allin, Clerk of Mercer County Court, praying to be released from the payment of thirty dollars for a Pedler's license, which he did not receive.

Which were received and referred: the 1st to the committee on Religion, and the 2d to the committee on Finance.

A message, in writing, from the Governor, was received, taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Thomas M. Forman to be Brigadier General of the 7th Brigade, in place of John Mannen, promoted.

Samuel Henderson to be Colonel of the 29th Regiment, in place of Thos. M. Forman, if promoted.

Isaac S. Reed to be Lieutenant Colonel of the 29th Regiment, in place of Samuel Henderson, if promoted.

Roswell Grant to be Major of the 29th Regiment, in place of Isaac S. Reed, if promoted.

George W. Berry to be Lieutenant Colonel of the 86th Regiment, in place of Samuel B. Lennox, resigned.

Napoleon B. Durbin to be Major of the 86th Regiment, in place of Geo. W. Berry, if promoted.

William Campbell to be Lieutenant Colonel of the 97th Regiment, in place of N. Underwood, resigned.

Guy Kinkead to be Major of the 97th Regiment, in place of William Campbell, if promoted.

February 16, 1842.

Resolved, That the Senate advise and consent to the said appointments.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, to wit:

. 17. Feb. 1

Executive Office, February 17, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, James Brien, John McElrath, Enos Faughn, Joseph Staten, Joel Gilbert, Absalom Smith, James Stice, William Rice, and Robert Elliott to be Justices of the Peace; Thomas Ford to be Sheriff, and James Clark to be Coroner of the new county of Marshall.

R. P. LETCHER.

Executive Office, February 17, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Daniel Mosby, Matthew J. Waters, Willis White, Benjamin F. Cochran, Cadmus B. Young, Joseph W. James, Joseph J. Hodges, John Ross, Penual Billington, Reuben George, John C. Nelson, and Thomas Terrill to be Justices of the Peace; John Crice to be Sheriff, and William Holeman to be Coroner of the new county of Ballard.

Allen A. Burton to be Police Judge in the town of Lancaster, in place of Henry B. Brown, resigned.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act authorizing a change of venue in the case of the Commonwealth against Richard Singleton.

An act to provide for the removal of the steamboat New Argo, sunk in Kentucky river.

An act to repeal all acts, or parts of acts, declaring Dix river a navigable stream, and for other purposes.

An act to incorporate the Paducah Baptist Church.

An act to incorporate the Paducah Methodist Episcopal Church.

An act to allow an additional Constable in the county of Todd.

An act changing the time of holding the Trimble County Court.

An act to authorize the County Court of Daviess to change the location of a State road.

An act to amend an act supplemental to an act, entitled, an act to improve the navigation of Nolin, approved February 20th, 1835.

An act for the benefit of Lucy B. Green.

An act allowing additional Justices of the Peace to the counties of Mason and Wayne.

An act for the benefit of Mary Ford.

An act authorizing the sale of the ground adjoining the Locust Methodist Episcopal Church, in the county of Fleming.

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An act allowing one additional Justice of the Peace to the county of Laurel, and for other purposes.

An act to allow an additional Constable to Pendleton county.

An act to amend the law concerning the Goose creek turnpike road, in the counties of Clay and Laurel.

And enrolled bills which originated in the Senate of the following titles,

to wit:

An act for the benefit of Jacob Mayo, late Clerk of Floyd Circuit Court. An act for the benefit of Charles B. May, Surveyor of Spencer county. An act for the benefit of the heirs, legal representatives and securities of

George A. M. Elder.

An act for the benefit of Benjamin Doom and Jonathan Simpson.

An act to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved February 10th, 1841.

An act to incorporate the Trustees of the Parsonage of the Mountsterling

Circuit of the Methodist Episcopal Church.

An act for the benefit of Mary Hall and her children.

An act for the benefit of John S. Bush.

An act concerning the payment of taxes due on non-residents' land, and for other purposes.

An act for the benefit of William B. Dunlap.

An act concerning the action of replevin.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

The Senate resumed the consideration of the report of the committee of Religion on the petition of Robert C. Holland for a divorce. After being discussed for some time, Mr. Dyer moved the previous question, which was

decided in the affirmative.

The question was then taken on the resolution reported from the committee, that the said petition be rejected, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Garth, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Garth,
Bailey, Hardin,
Bennett, Hughes,
Burnett, James,
Dyer, Jesup,

Johnson, B. B.
Johnston, G. W.
Loving,
McAfee,
McElroy,

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Palmer, Pratt, Sterett,

Sympson, Walker, J. V. Williams, M. Young—22,

Those who voted in the negative, were-

Messrs Clarke, Craddock, Hanson, Huston, Morgan, D. Morgan, J. S. Payne, Pirtle,

Rodes, Wallace, Walker, C. J. Williams, S. L-12

And then the Senate adjourned.

FRIDAY, FEBRUARY 18, 1842.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to wit:

An act to appropriate the proceeds of the sales of the public lands to the payment of the State debt for Internal Improvement.

An act to change the time of holding certain County and Circuit Courts.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on the Sinking Fund, and the 2d to the committee on the Judiciary.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows:

Executive Office, February 18, 1842.

Gentlemen of the Senate :

I nominate for your advice and consent, Thomas Metcalfe to be President, and Samuel Daviess, Peter Dudley and Hezekiah Murrell, to be members of the Board of Internal Improvement for the ensuing year.

R. P. LETCHER.

Mr. James moved to lay the said message on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Payne, were as follows, viz:

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B. . W.

Those who voted in the affirmative, were-

75 P	James,	Pratt.
Messrs. Bennett,		Sterett,
Burnett,	Jesup,	
Garth,	Johnson, B. B.	Sympson,
Griffith,	McAfee,	Wallace,
Hughes,	McElroy,	Walker, J. V.
Huston.	Palmer,	Williams, M—18.

Those who voted in the negative, were-

Messrs. Bailey,	Johnston, G. W.	Pirtle,
Clarke,	Loving,	Rodes,
Craddock,	Morgan, D.	Slaughter,
Dver.	Morgan, J. S.	Williams, S. L.
Hanson.	Payne,	Young—15.

1. Mr. D. Morgan presented the petition of L. R. Ringo, praying for the passage of a law releasing him from the payment of \$45 62 cents, interest on a judgment against said Ringo for a portion of the revenue for 1840.

2. Mr. Huston presented the petition of sundry citizens of Spencer county, praying for the passage of a law allowing another Justice of the Peace to said county.

3. Mr. Bennett presented the petition of the members of the bar of the Campbell Circuit Court, suggesting that a law ought to pass dispensing with the July term of said court for the year 1842.

Which were received and referred: the 1st to the committee on Finance; the 2d to a committee of Messrs. Huston, G. W. Johnston and Slaughter, and the 3d to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Palmer—1. A bill to incorporate the Pleasant Grove Church and School House in Washington county.

Also—2. A bill for the relief of the widow and heirs at law of Christopher A. Rudd.

On the motion of Mr. Slaughter—3. A bill to re-organize the Board of Internal Improvement.

The committee on the Judiciary were directed to prepare and bring in the 1st and 2d, and Messrs. Slaughter, D. Morgan and Clarke were appointed a committee to prepare and bring in the 3d.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of Mary Hall and her children.

An act for the benefit of John S. Bush.

An act to amend an act, entitled, an act to amend an act further to regu-

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late the Board of Internal Improvement for the counties west of the Tennessee river, approved February 10th, 1841.

An act for the benfit of Charles B. May, Surveyor of Spencer county.

An act for the benefit of William B. Dunlap.

An act concerning the payment of taxes on non-residents' land, and for other purposes.

An act for the benefit of Jacob Mayo, late Clerk of the Floyd Circuit

An act to incorporate the Trustees of the Parsonage of the Mountsterling Circuit of the Methodist Episcopal Church,

An act for the benefit of the heirs, legal representatives and securities of

George A. M. Elder.

An act for the benefit of Benjamin Doom and Jonathan Simpson.

An act concerning the action of replevin.

Approved February 17, 1842.

An act for the benefit of Samuel Lawler.

Approved February 18, 1842.

Mr. Rodes, from the committee on Religion, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act for the divorce of Elizabeth Million.

An act for the divorce of Mary S. Brockway.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend the law concerning public roads.

An act for the benefit of Thomas Hagins, and for other purposes.

An act authorizing the County Court of Floyd to change the State road leading from Mountsterling to the Virginia line.

An act to amend the road law in Kenton county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Young, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Robert S. Brame, reported the same without amendment. The said bill was amended, and ordered to be read a third time, as amended.

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The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and Elizabeth, his wife."

Mr. McAfee, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to legalize the marriage of James Lashbrook and Nancy Burkhead, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended,

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and the marriage of James Ransdell and Nancy Cornwell."

On the motion of Mr. Rodes, leave was given to withdraw the petition of Mrs. Barnett.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of George Janes.

An act for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

An act for the benefit of Allen Gudgel, late Sheriff of Bath County, and his deputies.

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of the Sheriff of Meade county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Meade, Hart and Marion counties, reported the same without amendment. The said bill was amended, and ordered to be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding the word "Wayne" after the word "Hart."

The following bills were reported, viz:

By Mr. G. W. Johnston, from the committee on Finance—A bill for the benefit of certain Sheriffs.

By Mr. Pirtle, from the committee on the Judiciary—A bill granting certain powers to the Bank of Kentucky.

Which bills were each read the first time, and ordered to be read a second time.

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The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. G. W. Johnston, from the committee on Finance, reported a bill for the benefit of Reuben E. Rowland-which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky. That the Second Auditor of Public Accounts be, and he is hereby, directed to issue a warrant on the Treasurer, in favor of R. E. Rowland, late Sheriff of Calloway county, for the sum of two hundred and thirty six dollars and forty three cents, to be paid out of any money in the Treasury not otherwise appropriated, being the amount of damages paid by him on a judgment of the General Court, for failing to pay the revenue of said county for the year 1837.

Ordered. That the said bill be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Hanson moved to lay the said bill on the table until the first day of June

The question being taken thereon, it was decided in the affirmative.

The year and nays being required thereon by Messrs. Hanson and James, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Pratt,
Clarke,	Jesup,	Rice,
Craddock,	Johnson, B. B.	Rodes,
Dyer,	Palmer,	Sterett,
Griffith,	Payne,	Williams, S. L.
Hanson,	Pirtle,	Young—19.
Hughes,		0

Those who voted in the negative, were-

Messrs. Bailey,	Johnston, G. W.	Sympson,
Burnett,	Loving,	Wallace,
Garth,	McAfee,	Walker, J. V.
James,	McElroy,	Williams, M-12.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Craddock-I. A bill to amend the law in relation to the collection of fee bills.

On the motion of Mr. Wallace-2. A bill to amend an act, entitled, an act to provide for condemning lands and materials for the construction of turnpike roads, bridges and other works of Internal Improvement.

The committee on the Judiciary was directed to prepare and bring in the 1st, and the committee on Internal Improvement the 2d.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and Elizabeth, his wife."

Mr. McAfee, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to legalize the marriage of James Lashbrook and Nancy Burkhead, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended,

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and the marriage of James Ransdell and Nancy Cornwell."

On the motion of Mr. Rodes, leave was given to withdraw the petition of

Mrs. Barnett.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of George Janes.

An act for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

An act for the benefit of Allen Gudgel, late Sheriff of Bath County, and

his deputies.

An act for the benefit of the Sheriff of Breathitt county.

An act for the benefit of the Sheriff of Meade county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs of Meade, Hart and Marion counties, reported the same without amendment. The said bill was amended, and ordered to be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding the word "Wayne" after the word "Hart."

The following bills were reported, viz:

By Mr. G. W. Johnston, from the committee on Finance—A bill for the benefit of certain Sheriffs.

By Mr. Pirtle, from the committee on the Judiciary—A bill granting certain powers to the Bank of Kentucky.

Which bills were each read the first time, and ordered to be read a second time.

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The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. G. W. Johnston, from the committee on Finance, reported a bill for the benefit of Reuben E. Rowland—which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue a warrant on the Treasurer, in favor of R. E. Rowland, late Sheriff of Calloway county, for the sum of two hundred and thirty six dollars and forty three cents, to be paid out of any money in the Treasury not otherwise appropriated, being the amount of damages paid by him on a judgment of the General Court, for failing to pay the revenue of said county for the year 1837.

Ordered. That the said bill be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Hanson moved to lay the said bill on the table until the first day of June next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and James, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Pratt,
Clarke,	Jesup,	Rice,
Craddock,	Johnson, B. B.	Rodes,
Dyer,	Palmer,	Sterett,
Griffith,	Payne,	Williams, S. L.
Hanson,	Pirtle,	Young—19.
Hughes,		

Those who voted in the negative, were-

Messrs. Bailey,	Johnston, G. W.	Sympson,
Burnett,	Loving,	Wallace,
Garth,	McAfee,	Walker, J. V.
James,	McElroy,	Williams, M-12.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Craddock—I. A bill to amend the law in relation to the collection of fee bills.

On the motion of Mr. Wallace—2. A bill to amend an act, entitled, an act to provide for condemning lands and materials for the construction of turnpike roads, bridges and other works of Internal Improvement.

The committee on the Judiciary was directed to prepare and bring in the 1st, and the committee on Internal Improvement the 2d.

Mr. Garth offered and laid on the table the following preamble and resolution, viz:

Whereas, it is announced from Washington city, that the State of Kentucky has but one Senator in Congress, and it is believed by the verified and true Representatives of the State of Kentucky, that the gallant State of Kentucky is constitutionally and justly entitled and worthy of having two

Senators in that honorable and fair famed body—wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That on the —— day of ———, 1842, the Legislature of Kentucky, both Houses concurring, do elect another Senator to represent the State of Kentucky in the national Senate of these United States, that they may stand on an equal footing with the balance of the States of this Union.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act to invest the Craddock Fund.

An act to incorporate the Pilots' and Commercial Insurance Company.

An act to incorporate the Trustees of Hawesville Seminary.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Mr. G. W. Johnston, from the same committee, to whom was referred the petition of E. H. Curd, and the petition of Thomas Allen, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

Which was concurred in.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Hulme, reported the same with the opinion of the committee that it ought not to pass.

The said bill reads as follows, viz:

WHEREAS, it is represented to the present General Assembly that John Hulme was employed by the Board of Internal Improvement during the

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John the years 1837-8-9 and 40, for the purpose of manufacturing hydraulic lime for the construction of the works on Green, Barren, Kentucky and Licking river navigation: And, whereas, said Hulme made advances during the years 1839 and 1840, for the prosecution of the work, which has not been refunded—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be authorized and directed to issue his warrant on the Treasurer for the sum of six thousand three hundred and eighty four dollars eighty four cents, in favor of said Hulme, being the full amount of principal and interest for advances made, which shall be paid out of any money in the Treasury not otherwise appropriated.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Sterett and Garth, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Hughes,	Pirtle,
Bailey,	Johnston, G. W.	Pratt,
Clarke,	Loving,	Rodes,
Craddock,	McAfee,	Wallace,
Dyer,	Morgan, J. S.	Walker, J. V-17.
Hanson,	Palmer,	

Those who voted in the negative, were-

Messrs. Bennett,	Johnson, B. B.	Sterett,
Burnett,	McElroy,	Sympson,
Garth,	Morgan, D.	Walker, C. J.
Huston,	Payne,	Williams, M.
James,	Rice,	Williams, S. L.
Jesup,	Slaughter,	Young—18.

Mr. G. W. Johnston, from the committee on Finance, reported a bill to amend the law providing compensation for commissioners of tax—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill, entitled, an act to amend an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes, together with the amendments proposed thereto by the House of Representatives, reported the same without amendment, and the amendment of the House of Representatives was concurred in.

The following bills were reported, viz:

By Mr. McAfee, from the committee on Education—1. A bill to authorize the Trustees of the town of Mayfield to sell a lot, known on the plan of said town as the "College lot," and purchase another.

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2. A bill for the benefit of Luther Smith, of Bourbon county.

By Mr. Jesup, from the committee on Military Affairs—3. A bill allowing further time to the 32d Regiment, Kentucky Militia, to hold their Court of Assessment.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d was re-committed to the committee on Education, and the 1st and 3d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 3d bills be-

ing dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Dyer, from the committee on the Sinking Fund, reported a bill for the benefit of David A. Sayre—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the

said bill was re-committed to the committee on the Sinking Fund.

A bill from the House of Representatives, entitied, an act to change the time of holding the Circuit and County Courts in the counties of Simpson and Allen, and for other purposes, was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill do pass, and that the title thereof be as afore-

said.

And then the Senate adjourned.

SATURDAY, FEBRUARY 19, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to incorporate the Paducah Baptist Church.

An act for the benefit of Lucy B. Green.

An act to amend an act supplemental to an act, entitled, an act to improve the navigation of Nolin, approved February 20th, 1835.

An act to allow an additional Constable in the county of Todd.

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An act changing the time of holding the Trimble County Court.

An act allowing one additional Justice of the Peace to the county of Laurel, and for other purposes.

An act authorizing a sale of the ground adjoining the Locust Methodist Episcopal Church, in the county of Fleming.

An act to allow an additional Constable to Pendleton county,

An act to amend the law concerning the Goose creek turnpike road, in the counties of Clay and Laurel.

An act allowing additional Justices of the Peace to the counties of Mason and Wayne.

An act for the benefit of Nancy Ford,

An act to authorize the County Court of Daviess to change the location of a State road.

An act to provide for the removal of the steamboat New Argo, sunk in Kentucky river.

An act to repeal all acts, or parts of acts, declaring Dix river a navigable stream, and for other purposes.

An act authorizing a change of venue in the case of the Commonwealth against Richard Singleton.

An act to incorporate the Paducah Methodist Episcopal Church.

Approved February 18, 1842.

That they had passed a bill, entitled, an act to amend the law establishing the Board of Internal Improvement—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Internal Improvement.

Mr. Payne moved the following preamble and resolution, viz:

WHEREAS, a certain preamble and resolution was presented to the Senate on yesterday by the Senator from Wayne: And, whereas, the said preamble and resolution were not read to the Senate at the time they were presented, but were presented to the Senate at the moment of adjournment, without reading, and the question of reception was not raised,

Resolved, That the said preamble and resolution be rejected.

The question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Payne, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Craddock,	Huston,
Bailey,	Dyer,	Jesup,
Bennett,	Griffith,	Johnson, B. B.
Burnett,	Hanson,	Johnston, G. W.
Clarke,	Hughes,	Loving,

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McAfee,	Pirtle,	Sympson,
McElroy,	Pratt,	Wallace,
Morgan, D.	Rice,	Walker, C. J.
Morgan, J. S.	Rodes,	Walker, J. V.
Palmer,	Slaughter,	Williams, M.
Payne,	Sterett,	Young-33.

Mr. Garth voted in the negative.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of the Sheriff of Meade county.

An act for the benefit of George Janes.

An act for the benefit of Leonard B. Johnston.

An act for the benefit of Catharine Cotton, and the infant heir of Robert Cotton, deceased.

An act for the benefit of Allen Gudgel, late Sheriff of Bath County, and his deputies.

An act for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

An act for the divorce of Mary S. Brockway.

An act for the benefit of Thomas Hagins, and for other purposes.

An act for the divorce of Elizabeth Million.

An act authorizing the County Court of Floyd to change the State road leading from Mountsterling to the Virginia line.

An act for the benefit of the Sheriff of Breathitt county.

An act to amend the law concerning public roads.

An act to amend the road law in Kenton county.

An act for the benefit of Thompson N. Stratton.

An act for the benefit of William B. Graves and wife.

An act to incorporate the Trustees of the Henderson College.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Mr. Hughes presented the proceedings of a public meeting of sundry citizens of Ballardsville, in Oldham county, upon the subject of the charter of a Commonwealth's Bank, and the passage of a property law—which was received and referred to the committee on Banks.

On the motion of Mr. Clarke, the vote by which the petition of John Sword, and others, was rejected, was re-considered, and the said petition was re-committed to the committee on Internal Improvement.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Mechanics, and others, performing labor or furnishing materials for the constructing or repairing of buildings in the towns of Hickman and Frankfort.

An act for the benefit of the children of John and Susan Whip.

An act for the benefit of Elizabeth Green.

An act for the benefit of William and Jacob Luce.

An act to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

An act to change the time of holding certain County and Circuit Courts.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and further to regulate the town of Winchester."

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Sarah Gouch, reported the same without amendment. The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hanson, from the same committee, reported a bill concerning ferries on Cumberland river, in Trigg county, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act to amend the law in relation to ferries on Cumberland and Tennessee rivers, in Trigg county, approved February 18, 1840, shall be, and the same is hereby, repealed.

Ordered, That the said bill be read a second time.

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John ition The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

The question being taken on the passage of the said bill, it was decided

in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. J. V. Walker and Burnett, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Burnett, Craddock, Hanson,	Morgan, D. Payne, Pirtle, Rice,	Sympson, Wallace, Walker, C. J. Williams, S. L-12
McElroy,	Rice,	11 111111111111111111111111111111111111

Those who voted in the negative, were-

Messrs. Bailey,	Huston,	Morgan, J. S.
Bennett,	James,	Palmer,
Clarke,	Jesup,	Sterett,
Dyer,	Johnson, B. B.	Walker, J. V.
Garth,	Johnston, G. W.	Williams, M.
Griffith,	Loving,	Young—20.
Hughes	McAfee,	Carlo Hallande S

Mr. Hanson, from the committee on the Judiciary, reported the following bills, to wit:

A bill for the benefit of Benedict Joseph Flaget.

A bill to abolish the July term of the Campbell Circuit Court in the year 1842.

A bill for the benefit of John F. Linton, infant heir of John H. Linton, deceased.

A bill for the benefit of Milly Young, and others.

A bill to amend an act, entitled, an act for the benefit of the Breckinridge Seminary, approved 13th December, 1820.

A bill for the relief of the widow and heirs of Christopher A. Rudd, deceased.

A bill concerning runaway slaves.

A bill to amend the law in relation to the collection of fee bills in this Commonwealth.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of the resolution to enquire into the

propriety of prohibiting debtors from making mortgages or deeds of trust for the benefit of one or more creditors, to the exclusion of other creditors; and from the duty of preparing and bringing in the following bills, viz:

A bill to incorporate Pleasant Grove Church and School House, in Washington county.

A bill to establish a Collegiate Institute in the town of Lagrange, in Oldham county.

Mr. Hanson, from the committee on the Judiciary, reported a bill to regulate the 8th and 18th Judicial Districts—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was re-committed to the committee on the Judiciary.

On the motion of Mr. Payne, a message was sent to the House of Representatives, informing them that the Senate is now ready to proceed to the election of a President and Directors of the Bank of the Commonwealth.

A message was received from the House of Representatives, announcing that they are now ready to proceed to the said election, and that Owen G. Cates stands in nomination before them for the office of President, and James Davidson and Thomas S. Page for Directors.

A message was sent to the House of Representatives to inform them that the same persons stood in nomination before the Senate.

After taking the vote in the Senate, a committee was appointed to meet a committee from the House, to compare the joint vote and report the result.

After a short time, the committee reported that Owen G. Cates, James Davidson and Thomas S. Page had received the unanimous vote of both Houses

Whereupon Owen G. Cates was declared to be duly elected President, and James Davidson and Thomas S. Page, Directors of the Bank of the Commonwealth for the ensuing year.

Mr. Griffith, from the committee appointed for that purpose, reported a bill to extend the time of receiving and registering headright plats and certificates, and legalizing those received since the old law expired—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pratt moved that a message be sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of John Hulme.

The question being taken thereon, it was decided in the affirmative.

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was disnto the The yeas and nays being required thereon by Messrs. Sterett and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Johnston, G. W.	Pratt,
Burnett,	Loving,	Rodes,
Clarke,	McAfee,	Slaughter,
Craddock,	Morgan, D.	Wallace,
Dyer,	Morgan, J. S.	Walker, J. V.
Hanson,	Palmer,	Williams, S. L-20
Hüghes,	Pirtle,	

Those who voted in the negative, were-

Messrs. Alexander,	Jesup,	Sterett,
Bennett;	Johnson, B. B.	Sympson,
Garth,	McElroy,	Walker, C. J.
Griffith,	Payne,	Williams, M.
Huston,	Rice,	Young-16.
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On the motion of Mr. Hughes,

WHEREAS, the session of the Legislature is drawing to a close, while much important business remains to be done: And, whereas, protracted and useless debating may hinder or prevent necessary legislative action—therefore,

Resolved, That during the remainder of the present session, no member of the Senate shall be allowed to speak more than once on any one subject under debate, nor longer than twenty minutes, without leave of the Senate.

The Speaker laid before the Senate the memorial of Sylvester Welch, Chief Engineer, in relation to the memorial of R. M. Stealey.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act concerning bills of exchange.

An act to incorporate the Funk Seminary.

An act to authorize the County Court of Morgan county to straighten the State road.

An act to allow three additional Constables to Spencer county.

An act for the benefit of the Sheriff of Carter county.

An act granting a change of venue to John Hughes.

On the motion of Mr. Pirtle, the votes by which a bill for the benefit of Benedict Joseph Flaget was passed and ordered to be engrossed, were reconsidered. The said bill was amended.

And then the Senate adjourned.

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MONDAY, FEBRUARY 21, 1842.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to wit:

1. An act to allow additional Justices of the Peace to certain counties, and for other purposes.

2. An act for the benefit of James Byers, jr. 3. An act for the benefit of Grace Church, in Hopkinsville.

4. An act to amend the stray laws of this Commonwealth.

5. An act for the benefit of Benjamin Wickersham.

6. An act for the improvement of the Rackcoon Chute, in the counties of Laurel and Knox.

7. An act to establish a Tobacco Inspection at Montazuma.

8. An act to amend the act incorporating the Jefferson Pond Draining Company.

9. An act to allow an additional Constable to the counties of Oldham and

10. An act to amend the act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

11. An act for the benefit of John Blankenship.

12. An act for the benefit of the Clerks of the Garrard and Hart County and Circuit Courts.

13. An act to regulate and fix the value of unappropriated lands in the county of Madison.

14. An act to amend an act, entitled, an act to incorporate the Russellville and Clarkesville Turnpike Road Company.

15. An act for the benefit of the Sheriff of Laurel county.

16. An act to change the time of holding the Knox County Court.

17. An act to incorporate the Barboursville Lyceum.

18. An act for the benefit of Nicholas L. Oliver, late Sheriff of Henry county.

19. An act for the benefit of the Clerk of the Owen County Court.

20. An act to amend the road law in the county of Bracken.

21. An act for the benefit of the Sheriff of Calloway county.

22. An act for the benefit of William Ratliffe.

23. An act to incorporate the Lagrange Library Association.

24. An act to regulate the local Boards on the several turnpike roads within this Commonwealth.

25. An act to incorporate the Mount Washington Academy.

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nefit of ere re26. An act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 9th and 13th were referred to the committee on Propositions and Grievances; the 3d, 4th, 8th, 10th, 11th, 16th, 17th and 19th to the committee on the Judiciary; the 5th, 12th, 15th, 18th and 21st to the committee on Finance; the 6th, 14th, 20th, 22d, 24th and 26th to the committee on Internal Improvement; the 7th to the committee on Agriculture, and the 23d and 25th to the committee on Education.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act granting certain privileges to the Bank of Kentucky.

1. Mr. M. Williams presented the petition of H. W. Roberts, a minor, praying for the passage of a law legalizing his acts, in all respects, as though

he were 21 years old.

2. Mr. B. B. Johnson presented the petition of Catharine Ronan, praying for the passage of a law allowing her a sum of money for the support of herself and children.

Which were received and referred: the 1st to the committee on Propositions and Grievances, and the 2d to the committee on Finance.

On the motion of Mr. Huston,

Resolved, That the Senate, for the balance of the session, meet at 9 o'clock, A. M., and will take a recess at 1 o'clock until 3 o'clock each day.

On the motion of Mr. B. B. Johnson, leave was given to withdraw the petition of William Hunter.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Big Spring, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to change the name of Rebecca Ann Smith, and for other purposes, reported the same without amendment. The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to

establish a State road from the Ohio river to Albany, in Clinton county, reported the same without amendment. The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and for other purposes."

Mr. Clarke, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following fitles, viz:

An act to amend an act, entitled, an act to establish and improve a State road from Landing, in Boone county, to intersect the Covington and Lexington turnpike road, approved January the 29th, 1836.

An act concerning the roads in Campbell county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clarke, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Richard Cundiffe, sen'r., reported the same without amendment. The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Clarke, the committee on Internal Improvement was discharged from the further consideration of the petition of sundry citizens of Nicholas county, and also the petition of V. Curthwart, and others, to them referred.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act to invest the Craddock Fund.

An act to incorporate the Pilots' and Commercial Insurance Company.

An act to incorporate the Trustees of Hawesville Seminary.

Approved February 18, 1842.

The following bills were reported, to wit:

By Mr. Rice, from the committee on Propositions and Grievances—I. A bill to incorporate the town of Pleasureville.

By Mr. Clarke, from the committee on Internal Improvement—2. A bill to amend an act, entitled, an act to incorporate the city of Covington, approved 24th February, 1834.

Also-3. A bill to amend an act, entitled, an act to incorporate a company

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to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the State line, in the direction of Nashville.

Also-4. A bill for the benefit of the holders and owners of lots in the

town of Midway, and its vicinity.

By Mr. Clarke, from a select committee—5. A bill to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds and other papers of record in his office.

Which bills were severally read the first time, and ordered to be read a

second time.

The constitutional rule as to the second reading of the 4th bill being dispensed with, it was referred to the committee on Internal Improvement

The constitutional rule as to the second and third readings of the other

bills being dispensed with, and the same being engrossed,

Resolved, That the said 1st, 2d, 3d and 5th bills do pass, and that the

titles thereof be as aforesaid.

Mr. Huston, from the committee appointed for that purpose, reported a bill allowing an additional Justice of the Peace to the county of Spencer—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and

the same being engrossed,

Resolved, That the said bill do pass, and that the title be amended to read, an act allowing additional Justices of the Peace to the counties of Spencer and Warren.

On the motion of Mr. Pratt,

Resolved by the Senate, That in commemoration of the birth day of Washington, the father of his country, the Governor be requested to have thirteen rounds of artillery fired on the morning of the 22d, at six o'clock,

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rodes—1. A bill for the benefit of Henry J. Eastin. On the motion of Mr. McAfee—2. A bill supplemental to the act establishing Boyle county.

On the motion of Mr. James-3. A bill supplemental to the act for the

establishment of Ballard county.

On the motion of Mr. Huston—4. A bill to add the county of Spencer to the 13th Judicial District.

On the motion of Mr. Garth—5. A bill to repeal any law in the Commonwealth of Kentucky authorizing a Superintendent, and his salary, concerning Common Schools.

The committee on Finance was directed to prepare and bring in the 1st; the committee on the Judiciary the 4th; Messrs. McAfee, Bailey and Palmer were appointed a committee to prepare and bring in the 2d; Messrs. James, Sterett and Garth the 3d, and Messrs. Garth, James and M. Williams the 5th.

The yeas and nays being required on granting leave to bring in the 5th bill by Messrs. Garth and James, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Jesup,	Pratt,
Burnett,	Johnson, B. B.	Sterett,
Clarke,	Johnston, G. W.	Sympson,
Dyer,	Loving,	Walker, J. V.
Garth,	McElroy,	Williams, M.
Griffith,	Palmer,	Williams, S. L-19
James.		

Those who voted in the negative, were-

Messrs Craddock,	Morgan, D.	Rodes,
Hanson,	Morgan, J. S.	Wallace,
Hughes,	Payne,	Walker, C. J.
Huston,	Pirtle,	Young-14.
McAfee	Rice	

Mr. S. L. Williams presented the petition of Dillard Hazlerigg and Almanzer Ward, praying to be permitted to belong to the Mountsterling Light Infantry Company—which was received and referred to the committee on Military Affairs.

Mr. Clarke moved that the committee on Internal Improvement be discharged from the duty of preparing and bringing in a bill for the benefit of the Louisville and Nashville Turnpike Road Company—which was discussed until 12 o'clock, when the Senate proceeded to the consideration of the orders of the day.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, one of said messages was taken up and read as follows:

EXECUTIVE OFFICE,
February 21, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Charles H. Stuteville to be Sheriff of Grayson county, the County Court having failed to recommend agreeably to the Constitution.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointment.

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moncernA bill from the House of Representatives, entitled, an act for the benefit of John Hulme having been returned to the Senate, Mr. S. L. Williams moved to re-consider the vote by which the said bill was disagreed to.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Hughes,	Pirtle,
Bailey,	Johnston, G. W.	Pratt,
Clarke,	Loving,	Rodes,
Craddock,	McAfee,	Wallace,
Dyer,	Morgan, D.	Walker, J. V.
Hanson,	Morgan, J. S.	Williams, S. L-18

Those who voted in the negative, were-

Messrs. Burnett,	Johnson, B. B.	Sterett.
Garth,	McElroy,	Sympson,
Griffith,	Palmer,	Walker, C. J.
Huston,	Payne,	Williams, M.
James,	Rice,	Young-17.
Jesup.	Slaughter,	

Mr. Payne moved to amend said bill by striking out the words "which shall be paid out of any money in the Treasury not otherwise appropriated," and inserting in lieu thereof, "which shall be paid out of the funds set apart for Internal Improvements, and no other."

The question being taken on the adoption of the said amendment, it was

decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Rice, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,	McAfee,	Sterett,
Garth,	McElroy,	Sympson,
Griffith,	Palmer,	Walker, C. J.
Huston,	Payne,	Walker, J. V.
James,	Rice,	Williams, M.
Jesup,	Slaughter,	Young-19.
Johnson D D		

Those who voted in the negative, were-

Messrs. Alexander,	Hughes,	Pirtle,
Bailey,	Johnston, G. W.	Pratt,
Clarke,	Loving,	Rodes,
Craddock,	Morgan, D.	Wallace,
Dyer,	Morgan, J. S.	Williams, S. L-16
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On the motion of Mr. Pirtle, the said bill, as amended, was laid on the table until the first day of June next.

The resolutions from the House of Representatives in relation to amendments to the Constitution of the United States, were taken up. The said resolutions, as amended, are as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Constitution of the United States ought to be amended.

1st. That the President shall not be eligible for two consecutive terms; and whenever the office of President shall become vacant from any cause whatever, the Vice President, or other person filling the office of President for the remainder of the term, shall be ineligible for the next Presidental term.

2d. That the power of the President to appoint members of Congress to stations of honor, trust or profit, under the General Government, ought to be restrained.

3d. That the power of the President to remove from office, shall be confined to the heads of departments and those employed in foreign service; but that for cause assigned, he may suspend any officer until the Senate may advise for or against his removal.

4th. That the veto power of the President be so modified as materially to diminish the mischievous influence, now exercised by that officer, over the legislation of the country, by means of said power.

5th. That the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to the Executives of the several States, and that the Executives be respectfully requested to lay said resolutions before their respective Legislatures.

The amendment offered by Mr. Hughes, proposes the following as a substitute for the said resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the people of this Union, without distinction of party, have a vital interest in the preservation of the Constitution of the United States, the deliberate work of our republican fathers, at a time when party was merged in patriotism; that the wisdom of the division and settlement of powers amongst the several co-ordinate departments of Government, made in that Constitution, has been tested and demonstrated by the experience of more than half a century, and that it would be unwise and perilous, at a time like the present, to lay the hands of innovation upon that sacred instrument, disturbing and unsettling the wholesome balance of powers therein established, upon the maintenance of which, hang the prosperity of our free institutions, and the weal of the whole American people.

Mr. J. S. Morgan moved the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Bailey, Clarke, Craddock, Dyer,	Huston, Johnston, G. W. Loving, Morgan, D. Morgan, J.S.	Rodes, Slaughter, Sympson, Walker, J. V. Williams, S. L.
Griffith, Hanson,	Pirtle,	Young—19.

Those who voted in the negative, were-

Messrs. Bennett, Burnett, Garth, Hughes,	Jesup, Johnson, B. B. McAfee, McElroy,	Pratt, Rice, Wallace, Williams, M—13.
James,		

A division of the question being called for, the question was taken on concurring in the two first resolutions from the House, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burnett and James, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	James,	Pirtle,
Bennett,	Jesup,	Rodes,
Clarke,	Johnston, G. W.	Slaughter,
Craddock,	Loving,	Sympson,
Dyer,	McElroy,	Walker, J. V.
Griffith,	Morgan, D.	Williams, S. L.
Hanson,	Morgan, J. S.	Young—23.
Huston,	Payne,	人工 中世史 图 100

Those who voted in the negative, were-

Messrs. Bailey;	Johnson, B. B.	Rice,
Burnett,	McAfee,	Wallace,
Garth,	Pratt,	Williams, M—10.
Hughes,	All and assessment in a self-off of	

The question was then taken on concurring in the third, fourth and fifth resolutions, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Wallace, were as follows, viz:

Those who voted in the affirmative, were-

Those who ye	· (:	Pirtle,
Messrs. Alexander,	Jesup,	
Clarke,	Johnston, G. W.	Rodes,
Craddock,	Loving,	Slaughter,
Dyer,	Morgan, D.	Walker, J. V.
Griffith,	Morgan, J. S.	Williams, S. L.
Hanson,	Payne,	Young—19.

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Those who voted in the negative, were-

Messrs. Bailey,	James,	Rice,
Bennett,	Johnson, B. B.	Sympson,
Burnett,	McAfee,	Wallace,
Garth,	McElroy,	Williams, M-14.
Hughes,	Pratt,	

And so the said resolutions, as amended, were concurred in.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. D. Morgan in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. D. Morgan reported that the committee had, according to order, had under consideration a bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which leave was granted.

Ordered, That the memorial of Sylvester Welch, Chief Engineer, be referred to the select committee to whom was referred the memorial of M. R. Stealey, and that the Public Printer print 150 copies thereof, for the use of

the General Assembly.

Mr. Bennett read and laid on the table the following resolution, viz:

Whereas, it is believed that a great portion of the happiness and prosperity of a people, depend on their being able to produce, within their own territory, all the articles which may be essential to their comfort; and more especially those which are necessary for their subsistence and clothing; and it being the duty of those appointed to legislate for them, to do all in their power to foster and encourage industry, and to direct attention to such objects as shall seem best calculated to advance the public interest:

Be it resolved therefore by the General Assembly of the Commonwealth of Kentucky, That, with a view toward carrying out the principles embraced in the foregoing preamble, the members of the Senate and House of Representatives will, at their next session, appear clothed exclusively in articles

of domestic manufacture.

Mr. Loving moved that the nominations of the President and Members of the Board of Internal Improvement be taken up.

And then the Senate adjourned.

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TUESDAY, FEBRUARY 22, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act for the benefit of Catharine Cotton, and the infant heir of Robert Cotton, deceased.

An act for the benefit of Leonard B. Johnston.

An act for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

An act for the benefit of Allen Gudgell, late Sheriff of Bath County, and his deputies.

An act to amend the law concerning public roads.

An act for the benefit of the Sheriff of Breathitt county.

An act to amend the road law in Kenton county.

An act to incorporate the Trustees of the Henderson College.

An act for the benefit of George Janes.

An act for the benefit of the Sheriff of Meade county.

An act for the divorce of Mary S. Brockway.

An act for the benefit of Thomas Hagins, and for other purposes.

An act authorizing the County Court of Floyd to change the State road leading from Mountsterling to the Virginia line.

An act for the divorce of Elizabeth Million.

An act for the benefit of Thompson N. Stratton.

An act for the benefit of William B. Graves and wife.

Approved February 19, 1842.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Bailey—1. A bill to extend the town limits of Bryantsville.

On the motion of Mr. Bennett—2. A bill better to define the powers of the Trustees and Commissioner of the town of Newport.

Messrs. Bailey, Loving and G. W. Johnston were appointed a committee to prepare and bring in the 1st, and the committee on Propositions and Grievances were directed to prepare and bring in the 2d.

Mr. Payne moved to re-consider the vote by which a bill from the House of Representatives, entitled, an act for the benefit of John Hulme, was laid on the table until the first day of June next.

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House as laid The motion to discharge the committee on Internal Improvement from the duty of preparing and bringing in a bill for the benefit of the Louisville and Nashville Turnpike Road Company, was decided in the negative.

1. Mr. Palmer presented the petition of sundry citizens of Washington county, praying for the removal of the seat of justice of said county.

Also—2. The petition of sundry citizens in favor of establishing a Bank based on the capital and credit of the State.

Which were received and referred: the 1st to the committee on Propositions and Grievances, and the 2d to the committee on Banks.

On the motion of Mr. Rodes, leave was given to withdraw the petition and papers, filed by Robert C. Holland, upon leaving copies.

Mr. Loving, from the committee on Internal Improvement, to whom was referred a bill regulating the tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes, reported the same without amendment.

The said bill was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. McAfee, from the committee on Education, to whom was referred a bill for the benefit of Luther Smith, of Bourbon county, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

On the motion of Mr. McAfee, the committee on Education was discharged from the duty of preparing and bringing in a bill to incorporate the Franklin Society.

Mr. Dyer, from the committee on the Sinking Fund, to whom was referred a bill for the benefit of David A. Sayre, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-

Mr. Dyer, from the committee on the Sinking Fund, to whom was referred a bill from the House of Representatives, entitled an act to appropriate

the proceeds of the sales of the public lands to the payment of the State's debt for Internal Improvements, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. Dyer, from the same committee, made the following report, viz:

The Committee on the Sinking Fund respectfully make the		
port: That the receipts of the Commissioners of that Fund for	or the prese	ent
year may be safely estimated as follows:		
For tax on stock in the Bank of Kentucky, Northern Bank		0.0
of Kentucky and Louisville Bank,	\$44,176	
Dividends on 400 shares in the Northern Bank,	3,200	00
Excess of dividends on stock over 5 per cent. in the Northern	7 为 多病药	
Bank of Kentucky,	30,000	
Premiums on same,	700	00
Dividends on stock in Bank of Louisville, and premiums on	50日,高级图	
same,	1,250	
Of Old Bank of Kentucky,	3,000	
Of Bank the Commonwealth,	5,000	
Of Turnpike roads and bridges,	13,000	
Of Slack-water navigation, -	6,000	
Of Penitentiary,	1,500	00
Premiums on exchange,	200	00
Tax on non-residents' lands,	500	
Additional tax of 5 cents on every \$100,	118,500	00
	1 1 1 1 1 1 1	
Total,	\$227,026	33
		==
The charge on this fund for the same period may be estimate	ted as follow	vs:
Interest on \$515,000 of 5 per cent. and on \$2,886,500 of 6		
per cent. bonds,	\$198,940	00
Interest on loans of Board of Internal Improvement, -	2,400	
Exchange on amount of interest payable in New York, and		
interest to Banks, contingent expenses, &c	13,000	00
	\$214,340	00
The state of the s		
Which will leave a surplus in the fund on the receipts and		
disbursements of this year on the existing debts of	\$14,686	33
		Marketown h

The annual interest on the bonds held by the Board of Education and Commissioners of the Sinking Fund of \$47,750 is not included in the above calculation.

The Committee, from the present prospects, are induced to believe, that an additional sum will be added, during the present year, to this fund from the dividends of the Bank of Kentucky. • The amount to be realized from this source, the Committee estimate at \$50,000, provided the act lately passed by the Senate shall become a law, enabling the Bank to arrange the Schuylkill fraud.

DILLIS DYER, Chairman.

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Ordered, That the Public Printer print 500 copies of the said report for the use of the General Assembly.

Mr. Slaughter, from the committee on Agriculture, to whom was referred a bill from the House of Representatives, entitled, an act to establish a Tobacco Inspection at Montezuma, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to establish Tobacco Inspections at Montezuma and Louisa.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill to regulate the 8th and 18th Judicial Districts, reported the same without amendment.

The further consideration of said bill was postponed till to-morrow.

Mr. Payne, from the same committee, to whom was referred a bill to restore the privileges of the Banks when they resume specie payments, reported the same without amendment.

Mr. McAfee offered an amendment as a substitute for said bill, and the bill and amendment were referred to the committee of the whole House on the state of the Commonwealth, and made the order of the day for to-morrow.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to reduce into one, and digest and amend the acts and amendatory acts incorporating the city of Lexington, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred the petition of S. R. Ringo, and the petition of Catharine Ronan, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

Which was concurred in.

On the motion of Mr. G. W. Johnston, the committee on Finance was discharged from the duty of preparing and bringing in a bill for the benefit of Henry J. Eastin.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of the Clerks of the Garrard and Hart County and Circuit Courts.

An act for the benefit of Benjamin Wickersham.

An act for the benefit of Nicholas L. Oliver, late Sheriff of Henry county. Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

> Executive Office, February 22, 1842.

> > R. P. LETCHER.

Gentlemen of the Senate:

I nominate for your advice and consent, Harman West to be Lieutenant Colonel of the 39th Regiment, in place of John W. Thompson, resigned.

Edwin M. C. Bourland to be Major of the 39th Regiment, in place of Harman West, if promoted.

Henry Darnold, to be Colonel of the 111th Regiment, in place of Hugh M. Stice, resigned.

William Griffith to be Lieutenant Colonel of the 111th Regiment, in place

of A. S. Brown, refused to accept.

James Hiatt to be Major of the 111th Regiment, in place of Henry Dar-

nold, if promoted.

Richard Rozzell, to be Lieutenant Colonel of the 112th Regiment, in place of John M. Brown, refused to accept.

Amos A. Nanney to be Major of the 112th Regiment, in place of F. G. Eaker, refused to accept.

Jordan Smith to be Colonel of the 118th Regiment, in place of Alfred

Moore, resigned.

Lorenzo D. Clark to be Lieutenant Colonel of the 118th Regiment, in place of Jordan Smith, if promoted.

Samuel Hunsucker to be Major of the 118th Regiment, in place of Lo-

renzo D. Clark, if promoted.

Robert Wilcox to be Major of the 131st Regiment, in place of Major

Brandon, resigned.

George W. Cornish to be Lieutenant Colonel of the 133d Regiment, in place of Munford Peter, resigned.

William W. Farris to be Major of the 133d Regiment, in place of George W. Cornish, if promoted.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Bailey, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act to incorporate the Funk Seminary.

An act granting certain powers to the Bank of Kentucky.

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ed that Senate An act for the benefit of the Sheriffs of Carter county and Russell coun-

An act to allow three additional Constables to Spencer county, and for other purposes.

An act concerning bills of exchange.

An act to authorize the County Court of Morgan county to straighten the State road.

An act granting a change of venue to John Hughes.

An act to amend an act providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

And enrolled bills which originated in the House of Representatives of the following titles, viz:

An act for the benefit of William and Jacob Luce.

An act for the benefit of the children of John and Susan Whip.

An act to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

An act to change the time of holding certain County and Circuit Courts. An act for the benefit of Elizabeth Green.

An act for the benefit of Mechanics, and others, performing labor or furnishing materials for the constructing or repairing of buildings in the towns of Hickman and Frankfort.

An act to change the time of holding the Circuit and County Courts in the counties of Simpson and Allen, and for other purposes.

An act concerning the roads in Campbell county.

An act to amend an act, entitled, an act to establish and improve a State road from Landing, in Boone county, to intersect the Covington and Lexington turnpike road, approved January the 29th, 1836.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

The following bills were reported, viz:

By Mr. McAfee, from the committee on Education—A bill authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

By Mr. Pirtle, from the committee on the Judiciary-A bill to amend the law concerning changes of venue.

By Mr. G. W. Johnston, from the committee on Finance—A bill for the benefit of Thomas Prater, committee for Isaiah Prater, an idiot.

By Mr. Rice, from a select committee—A bill for the benefit of William Ward of Carter county.

Also, a bill to reduce the salary of the President of the Bank of the Com-

monwealth.

By Mr. Hanson, from the committee on the Judiciary-A bill to amend the law concerning the probate of wills.

Which bills were severally read the first time, and ordered to be read a

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as

aforesaid.

Mr. Dyer read and laid on the table the following resolution, viz:

WHEREAS, the expiration of the term of service of the Board of Internal Improvement, during the setting of the joint committee appointed to settle the accounts of the Green and Barren river Commissioners, has produced a difficulty in making their report—wherefore,
Resolved by the General Assembly of the Commonwealth of Kentucky,

That the joint committee be, and they are hereby, authorized to complete

the investigation and report the result.

The rule of the Senate being dispensed with, the said resolution was taken up and adopted.

Two messages, in writing, were received from the Governor, by Mr. Har-

lan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Burwell Bassett Sayre to be Superintendent of Public Instruction, in place of B. B. Smith, whose commission has expired.

R. P. LETCHER.

February 22, 1842.

EXECUTIVE OFFICE, February 22, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, James Sparks to be Sheriff of the county of Harlan, in place of Joseph Benjey, resigned. R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments. The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. D. Morgan in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. D. Morgan reported that the com-

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mittee had, according to order, had under consideration a bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky, and had made further progress therein, but not having time to go through the same, had directed him to ask leave to sit again; and the question being taken on granting leave to sit again, it was decided in the negative.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 23, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a preamble and resolution from the Senate in relation to the settlement of the accounts of the Green and Barren river Commissioners.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Henry O. Brown, and others.

An act for the benefit of Lud Fore.

An act for the benefit of Thomas G. Tupman, and his securities.

An act for the benefit of the Sheriffs of Nicholas and Lawrence counties.

An act for the benefit of George W. Bush, and others.

An act to amend the law concerning the revivor of suits.

An act to reduce the number of Justices of the Peace in Nicholas county.

An act to incorporate the Greenup Iron Manufacturing Company under the general law.

An act for the benefit of the Georgetown Light Artillery.

An act allowing an additional Constable to Lawrence county, and for other purposes.

An act to amend the revenue law.

An act to amend an act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

An act for the benefit of Mary Hyatt, and her children.

An act for the benefit of the heirs of Knight B. Curd, late of Warren county, Kentucky.

An act to change the name of William O. Gallihew to that of William Rice.

An act for the benefit of Common Schools in Franklin county.

An act for the benefit of the Female Academies at Nazareth and Loretto.

An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

An act to amend an act, entitled, an act appointing Commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston, approved February 9th, 1828.

An act for the benefit of the infant heirs of Tabitha Gooch, deceased.

An act for the benefit of Richard T. and John H. Allison.

An act for the benefit of the widow and heirs of John T. Langhorne, de'cd.

An act for the benefit of Hiram Rankins, and wife and children.

An act granting a change of venue to Vardeman Faris.

An act for the divorce of Elisha Weller.

An act concerning turnpike roads in this Commonwealth.

An act to attach the county of Crittenden to the 16th Judicial District, and for other purposes.

An act to regulate elections in the county of Marshall, and for other purposes.

An act for the benefit of certain Sheriffs.

An act to authorize the Trustees of the town of Mayfield to sell a lot, known on the plan of said town as "the College lot," and purchase another.

An act allowing further time to the 32d Regiment, Kentucky Militia, to hold their Court of Assessment.

An act to amend the law in relation to the collection of fee bills in this Commonwealth.

An act to extend the time of receiving and registering headright plats and certificates, and legalizing those received since the old law expired.

An act to amend the several acts establishing Common Schools.

An act to amend the law which provides for condemning land for public purposes.

An act to establish two additional election precincts in the county of Carter.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

An act concerning the Maysville and Mountsterling turnpike road.

With amendments to the five last named bills.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to incorporate the town of Independence in the county of Kenton.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840.

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An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

An act for the divorce of Robert S. Brame.

An act to legalize the marriage of James Lashbrook and Nancy Burkhead.

An act for the benefit of the Sheriffs of Meade, Hart and Marion counties.

An act for the benefit of Sarah Gough,

An act to establish a State road from the Ohio river to Albany, in Clinton county.

An act for the benefit of Richard Cundiffe, sen'r.

An act to change the name of Rebecca Ann Smith, and for other purposes.

An act to change the terms of certain Circuit Courts in the 17th Judical District.

With an amendment to the amendment of the last named bill.

That they had passed bills of the following titles, to wit:

An act for the benefit of Peter Dupauw.

An act for the benefit of the Versailles Artillery Company, and for other purposes.

An act for the benefit of Jacob Rizer, and others.

An act for the benefit of the 15th Regiment of Kentucky Militia.

Mr. McElroy was added to the committe on Enrollments.

Mr. G. W. Johnston presented the petition of the executors of Anderson A. Shannon, deceased, praying for the passage of a law to authorize them to sell the decedent's real estate—which was received and referred to the committee on the Judiciary.

Mr. Hanson presented the memorial of Sylvester Welch, Chief Engineer' denying the charges against him in the memorial of M. R. Stealey—which was received and referred to the select committee to whom was referred the memorial of M. R. Stealey, and the Public Printer directed to print 150 copies thereof, for the use of the General Assembly.

Mr. Pirtle presented the petition of the Mayor and Council of the city of Louisville, praying for the establishment of a Ware house and Tobacco Inspection in said city.

Mr. McElroy presented the petition of sundry citizens of Livingston and Crittenden counties, praying for the repeal or suspension of the law establishing the county of Crittenden.

Which were received and referred: the 1st to the committee on Agriculture, and the 2d to the committee on Propositions and Grievances.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the duty of preparing and bringing in the following bills, viz:

A bill for the benefit of James Black.

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A bill for the benefit of Anthony G. White, infant heir of Dudley White, deceased.

A bill to amend the law requiring persons who are offered as securities to be sworn.

And from the further consideration of the petition of sundry citizens, praying for the appointment of Trustees to receive from the executor of John Read, deceased, a sum of money bequeathed by said Read to the Christian Church at Caney Fork.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to repeal an act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March Ist, 1836, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act concerning the Town Marshals of Harrodsburg and Danville, and for other purposes.

The following bills, from the House of Representatives, were reported from the committees to whom they were referred, without amendment, viz:

By Mr. Hanson, from the committee on the Judiciary—An act for the benefit of Grace Church, in Hopkinsville.

An act to amend the act incorporating the Jefferson Pond Draining Company.

An act to amend an act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

An act for the benefit of the Clerk of the Owen County Court.

An act to change the time of holding the Knox County Court.

An act to incorporate the Barboursville Lyceum.

By Mr. Rice, from the committee on Propositions and Grievances—An act to regulate and fix the value of unappropriated lands in the county of Madison.

An act for the benefit of James Byers, jr.

An act to allow additional Justices of the Peace to certain counties, and for other purposes.

By Mr. Clarke, from the committee on Internal Improvement—An act to amend an act, entitled, an act to incorporate the Russellville and Clarkesville Turnpike Road Company.

An act to amend the road law in the county of Bracken.

An act for the benefit of A. Rawlings.

Which bills were ordered to be read a third time.

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The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the stray laws of this Commonwealth, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act concerning bills of exchange.

An act to authorize the County Court of Morgan county to straighten the State road.

An act to incorporate the Funk Seminary.

An act for the benefit of the Sheriffs of Carter and Russell counties.

An act to allow three additional Constables to Spencer county, and for other purposes.

An act granting a change of venue to John Hughes.

An act to amend an act providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

An act granting certain powers to the Bank of Kentucky.

Approved February 22, 1842.

The following bills were reported, viz:

By Mr. Hanson, from the committee on the Judiciary—A bill to incorporate the Sandy Iron Manufacturing Company.

By Mr. Pirtle, from the committee on the Judiciary—A bill adding Spencer county to the 13th Judicial District, and to extend the terms of the Jefferson Circuit Court.

By Mr. Rice, from the committee on Propositions and Grievances— Λ bill further to regulate and amend the laws regulating the town of Newport.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clarke, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Rutliffe, reported the same with the opinion of the committee that it ought not to pass.

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Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Clarke, from the same committee, to whom was referred a resolution from the House of Representatives in relation to tolls charged at the locks, reported the same without amendment.

Resolved, That the said resolution be concurred in.

Mr. Clarke, from the same committee to whom was referred a bill for the benefit of the holders and owners of lots in the town of Midway and its vicinity, reported the same withuot amendment, and the said bill was laid on the table.

Mr. Clarke, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law establishing the Board of Internal Improvement, reported the same without amendment.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Executive Office, February 23, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, James Hackett to be Colonel of the 22d Regiment, in place of J. M. Sullivan, removed.

William A. Gorham to be Lieutenant Colonel of the 22d Regiment, in

place of James Hackett, if promoted.

William Hockersmith to be Major of the 22d Regiment, in place of William A. Gorham, if promoted.

Henry A. W. Samuel to be Colonel of the 100th Regiment in place of R. H. Yancey, resigned.

A. M. Kightly to be Lieutenant Colonel of the 100th Regiment, in place of H. A. W. Samuel, if promoted.

James R. Barbee to be Colonel of the 12th Regiment, in place of William P. Duvall, resigned.

E. B. Duvall to be Lieutenant Colonel of the 12th Regiment, in place of

J. R. Barbee, if promoted.

Thomas Eales to be Major of the 71st Regiment, in place of Aaron D. Endicott.

R. P. LETCHER.

Resolved, That the Senate advise and consent to the said appointments, except to those of the officers of the 22d Regiment, and their nominations were referred to the committee on Military Affairs.

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A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate and House of Representatives:

By the request of the Governor of South Carolina, I transmit, herewith, to the General Assembly, a copy of an act of the Legislature of that State, entitled, "an act to prevent the citizens of New York from carrying slaves, or persons held to service, out of this State, and to prevent the escape of persons charged with the commission of any crime."

R. P. LETCHER.

February 23, 1842.

STATE OF SOUTH CAROLINA.

An act to prevent the citizens of New York from carrying slaves, or persons held to service, out of this State, and to prevent the escape of persons charged with the commission of any crime.

I. Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful for any vessel of any size or description, owned in whole or in part, or commanded or navigated, by any citizen or resident of the State of New York, or any such vessel owned in whole or in part, commanded or navigated, by any other person than an actual inhabitant and resident of this State, and departing from any port in this State for any port in the State of New York, to depart from this State, or out of any bay, river, creek, or other water course, of this State, until said vessel has undergone the inspection provided for in this act, and until the other provisions hereof, shall have been complied with: Provided, That nothing herein contained shall apply to any foreign or national vessel.

II. Be it further enacted, That no such vessel as is hereinbefore described, shall sail from any port in this State, or depart from the jurisdiction of this State, until such vessel shall have been inspected by an Inspector, or other person authorized to act under the provisions of this act, to see that no slave, or person held to service or labor, in this State, shall be concealed on board of such vessel, and until the commander thereof shall have received a certificate of inspection from such officer; and if any such vessel shall depart from this State without such certificate of inspection, the captain or owner thereof, shall forfeit and pay the sum of five hundred dollars, to be recovered by any person who will sue for the same in any court of record in this State, by indictment or information, or by action of debt in the name of the Governor, for the benefit of such person, on the bond hereinafter required to be taken.

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III. Be it further enacted, That whenever any vessel, owned in whole or in part, or commanded or navigated, by any citizen or resident of New York, shall come into this State, no matter from what port, it shall be the duty of the inspector, or other officer hereby authorized to act, to take and keep possession of said vessel, until the master or owner, or some other person for him or them, shall have executed a bond, payable to the Governor of this State, with two or more sureties, satisfactory to the officer taking the bond, inhabitants of this State, in the penalty of one thousand dollars, conditioned to pay and satisfy all judgments which may be rendered in consequence of the violation of any of the provisions of this act; and particularly to pay and satisfy the owner of any slave which may be carried away in such vessel, the full value of such slave, with all other damages sustained thereby by such owner; or if the captain or master of such vessel shall allege his inability to give security, then it shall be his duty to deliver up the papers of his vessel to the inspector, to be retained by him till the departure thereof, and shall moreover make affidavit before some magistrate, that he will not depart with his vessel, or suffer the same to sail from the port or harbor in which she may be, until the inspection hereby required shall have been completed; and moreover, that he will not carry, or suffer to be carried, out of this State, any person in violation of the provisions of this act. And if the captain or owner, or some other person for them, shall fail or refuse to comply with the foregoing requisitions, the said inspector or other officer, or any police officer by him appointed for that purpose, (authority to appoint whom is hereby given to such inspector or other officer,) shall take and hold possession of said vessel, until she is about to depart out of the jurisdiction of this State; and during the time such vessel shall be in possession of such officer, he shall be entitled to demand and receive the sum of three dollars per diem, to be paid by the captain or owner thereof; and for payment of which the vessel shall be liable, and she may be held until the same be paid: Provided, nevertheless, That the master or owner, of each of the vessels constituting the several lines of packets now trading, or which may hereafter be trading regularly between Charleston and New York, may be permitted, instead of giving a bond on each arrival in this State, to give one bond in the penalty of one thousand dollars, conditioned to pay and satisfy all judgments which may be rendered in consequence of the violation of any provision of this act, at any time within one year from the date thereof.

IV. Be it further enacted, That no pilot, acting under the authority of the laws of this State, or other person, shall pilot out of the jurisdiction of this State, any such vessel as is described in this act, which has not obtained, or shall not exhibit to him the certificate of inspection hereby required; and if any pilot, or other person, shall violate the provisions of this act, he shall forfeit and pay the sum of not less than ten, nor more than one hundred dollars, one half of which shall go to the informer, and in default of payment, the person so convicted shall be imprisoned not less than one month, nor more than three months.

V. Be it further enacted, That every pilot, or other person, who shall detect any such vessel in attempting to depart from this State, without such certificate of inspection, or shall detect or discover on board of any vessel whatever, any slave, or person held to service or labor, in this State, or any person charged with the commission of any crime, under the laws of this

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State, such slaver or person being therein concealed in order to depart, or be carried out of the jurisdiction of this State, shall be entitled to a reward of five hundred dollars, to be recovered by action of debt, upon the bond hereinbefore required to be executed in the name of the Governor, for the benefit of such pilot or other person, if any such bond shall have been given, and if not, by action of debt, in the name of the pilot, against the owner or master thereof, and the said vessel shall be moreover liable for the payment of the same, and may be attached for that purpose.

VI. Be it further enacted, That if, upon such inspection, or in any other manner, any slave or slaves, or person held to service or labor, or any person charged with any crime, be found concealed on board of any vessel whatever, for the purpose aforesaid, or said vessel be detected in the act of leaving this State, with any such person on board, the captain and owner shall forfeit and pay the sum of five hundred dollars, to be recovered against the obligors of the bond before mentioned, in the name of the State, in case the person so found on board be a person charged with any crime; and in case the person found on board be a slave, or fugitive from service, the captain or owner shall forfeit and pay his or her value, together with all costs, to be recovered by the owner by action of debt on said bond, in any court of record in this State, in the name of the Governor, for the benefit of such owner; and the said vessel shall moreover be liable for all penalties imposed by virtue of any other law of this State.

VII. Be it further enacted, That the Executive of this State be, and he is hereby, authorized and required to appoint one or more Inspectors at Charleston, Georgetown and Beaufort, and at such other places as he shall deem it expedient for the due execution of the provisions of this act; and that in all places where no inspector may be appointed, the Sheriff of the District, either in person or by deputy, shall act as inspector, and perform all duties required by this act to be performed by an inspector.

VIII. Be it further enacted, That for every inspection under this act, the inspector or other officer, shall be entitled to demand and receive the sum of ten dollars, for the payment of which such vessel shall be liable; and the said inspector or other officer, may seize and hold her until the same is paid, together with all charges incurred in taking care of the vessel, as well as in enforcing the payment of the same.

IX. Be it further enacted, That if any inspector or other officer, shall have reason to suspect that he will be obstructed or opposed in the discharge of any duty required of him under this act, he shall have power to summon and command the force of the District, to aid him in the discharge of such duty; and every person who shall resist or obstruct any inspector or other officer, in the performance or discharge of such duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined and imprisoned as in other cases of misdemeanor.

X. Be it further enacted, That the bonds authorized and required to be taken under this act, shall be executed before the Clerk of the court of Common Pleas, or a Magistrate of the District, and shall be lodged with the Clerk of the court of Common Pleas of the District, and be safely kept by him in his office. For taking every such bond, the said Clerk or Magistrate, shall demand and have the fee of one dollar, to be paid at the time by the person executing the same.

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XI. Be it further enacted, That in all questions as to residence and citizenship, arising under this act, the onus probandi shall rest upon the person claiming to be a citizen and resident of this State, or any State other than

New York.

XII. Be it further enacted, That this act shall commence and be in force, from and after the first day of May, one thousand eight hundred and forty two; but that the Governor of this State may, by proclamation, suspend the operation of the same, until the end of the succeeding session of the Legislature of this State, whenever he shall be officially informed that the Executive of New York, shall have bona fide consented to comply with the demand of the Executive of Virginia, for the surrender of Peter Johnson, Edward Smith and Isaac Gansey, as fugitives from justice, and be satisfied that the law of New York, of the 6th of May 1840, entitled, "an act to extend the right of trial by jury," has been repealed by that State.

In the Senate House, the seventeenth day of December, in the year of our Lord, one thousand eight hundred and forty one, and in the sixty sixth year of the Sovereighty and Independence of the United States of America.

ANGUS PATTERSON,

President of the Senate.

W. F. COLCOCK,

Speaker of the House of Rep.

Secretary's Office, Columbia December 20, 1841.

A true copy of the original act deposited in this office, compared and certified by

WM. F. ARTHUR,

Deputy Secretary of State.

THE STATE OF SOUTH CAROLINA.

By his Excellency, John P. Richardson, Esq., Governor and Commander-

in-Chief, in and over the State aforesaid.

To all to whom these presents shall come. Know ye, that William F. Arthur, whose certificate appears on the annexed papers, is Deputy Secretary of the State of South Carolina. Therefore, all due faith, credit and authority is, and ought to be had and given to his proceedings and certificates as such.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the seal of the State, in the town of Columbia, the 20th day of December, in the year of our Lord, one thousand eight hundred and forty one, and in the sixty sixth year of the Independence of the United States of

America.

JOHN P. RICHARDSON.

By the Governor.

WM. F. ARTHUR,

Deputy Secretary of State.

Report of the Committee on the Judiciary, on so much of the Governor's Message, and the accompanying documents, as relates to the controversy between New York and Virginia, and the bill on that subject, which were referred to that Committee.

The Committee on the Judiciary, to whom was referred so much of the Message of His Excellency, the Governor, as relates to the controversy between the States of New York and Virginia, with the accompanying documents, and a bill relative to the same subject, beg leave to submit the following Report:

The subject which has engaged the deliberations of your Committee, involves a grave and delicate inquiry, as to the duties and rights of the States of this Confederacy, under their compact of union, and it has claimed their most earnest consideration. Their inquiry, and the Bill which has been committed to them, are suggested by the controvery that has unhappily arisen between the authorities of New York and Virginia.

Three persons of color, having their domicil in New York, and trading to Virginia, were, in 1839, charged with a violation of the criminal law of that State, in having feloniously abducted in their vessel on its departure, the slave of one of her citizens. These felons having returned to the State of New York, were formally demanded by the Executive of Virginia, in

pursuance of the Constitution and laws of the United States.

The Executive of New York, waiving exception to the regularity of the demand, as well as objection to the completeness of the evidence on which it was founded, declined to comply with the requisition, on the ground that the laws of New York do not recognize the right of one man to hold property in another: and that stealing a slave in the Commonwealth of Virginia, is not an offence within the intendment of the Constitution of the United States.

This unexpected and alarming determination of the Executive of New York, and his views of the constitutional obligations of a confederate State, were communicated by the Executive of Virginia to the General Assembly of that Commonwealth. That department of the Government of Virginia, after mature and wise deliberation, pronounced, in solemn resolutions, the refusal of the Executive of New York to comply with the requisition of the Executive of Virginia, a "palpable and dangerous violation of the Constitution and laws of the United States." It denounced its well considered and earnest determination, not to acquiesce in the course of the Executive of New York, and to enact such legislation as would suffice, to protect the

property and rights of the citizens of Virginia.

The General Assembly of Virginia requested the Executive to renew his correspondence with the Executive of New York; call upon him respectfully, to calmly review the grounds of his refusal, and to present the subject to the Legislature of New York for its consideration. This duty was promptly and delicately performed by the Executive of Virginia. The request was made known to the Legislature of New York, by the official organ of that State, and that body apprised that Virginia appealed to its sense of justice and of duty to a co-State. How was that appeal regarded in the response of New York? The Committee to whom the subject had been confided, expressed its concurrence in the views of the Executive Department, pronounced its construction of the Federal Constitution, the only exposition

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of that charter which consists with the sovereignty of that State, and the rights of her citizens, and was discharged from the further consideration of the subject.

Contemporaneous with this proceeding, was the enactment of a law, bearing the specious but delusive title, "An Act to extend the right of trial by Jury;" an act which is the most alarming and dangerous form, in which fanatacism or folly has made its assaults on our domestic institutions.

This statute provides, that in proceedings to re-capture a fugitive from service or labor, the claim to the service of such alleged fugitive, his identity, and the fact of his escape from another State, shall be determined by a jury; that the State shall provide counsel for the slave; witnesses attend in his behalf, and that the fees of officers for summoning the jury, and the fees of the jurors and Court, shall, in all cases, be paid by the claimant. It provides, also, that if any Judge or other officer, shall issue a certificate for the removal from the State, of any fugitive from labor, except in the manner prescribed by this statute, he shall be guilty of a misdemeanor, and be punished; and that an attempt to remove such fugitive, without the authority of law, shall incur a forfeiture of \$500 to the party aggrieved; that it shall constitute the crime of kidnapping, punishable by imprisonment in the State Prison, for a term not exceeding ten years. It is a further provision of this statute, that the writ of habeas corpus, to arrest the fugitive from service, shall not be issued until delivery to the officer to whom the application shall be made, of a bond, with two sufficient sureties, inhabitants and freeholders of that State, with condition to pay the costs of the proceeding, and two dollars weekly, for the support of the fugitive, so long as he shall be detained by the proceeding on habeas corpus; and that if the verdict of the jury be against the claimant, he shall pay all the expenses of the proceeding, and shall pay to such fugitive one hundred dollars, and the damages he may have sustained. It is not the least obnoxious feature of this statute, that it seeks to confine the adjudication of these questions to juries, and to preclude the consideration of them by the Judiciary of that State, as evinced by the imposition of restrictions on the claimant's right of appeal, which greatly impair that right, if they do not render it utterly nugatory.

Whether this course of the Executive of New York, or the legislation of its General Assembly, comports with the prescription of right, and the injunction of duty, that the Constitution so explicitly enforces, in regard to our slave property, let that charter, and the laws enacted in pursuance of it, define.

The provision of the Constitution is, "that no person held to service or labor in any one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor shall be due." By the act of Congress, the master of any fugitive slave, his agent or attorney, is authorized to seize and take him before a Judge of the Circuit or District Court of the United States, or before any State Magistrate, who, on proof to his satisfaction, by oral testimony, or affidavit certified by a Magistrate of any State or Territory, that the person so seized, is the slave of the claimant, is authorized to give a certificate thereof, which shall be a sufficient warrant for removal of the slave to the State from which he fled, and imposes a penalty on any one who shall hinder or obstruct such claimant in seizing or arresting such fugitive slave.

In this posture of the controversy, Virginia having exhausted the argument with New York, and hopeless of the remedies which should be found in the constitutional obligations and duties of a co-State, appeals to her sister States of the South for counsel and co-operation. Standing on the outposts of Southern Institutions, that faithful sentinel announces the presence of danger: warns that a common foe is advancing, and calls those who have a similar polity, to their defence. Her claim—her right to lead in defence or maintenance of the rights of a confederate State, or of Southern policy, has been vindicated by the incidents of her past history.

An ancient domestic institution, cherished in the hearts of the people of the South, the eradication of which would demolish our whole system of policy, domestic, social and political, has been assailed by methods most likely to be successful. Is it a contest in which any Southern State, without utter abandonment of honor and of right, of policy and duty, can assume a position of neutrality? Let other States do as they may, South Carolina has taken her stand in this great contest. Her gage of honor has been given to her countrymen, and she is not of those who know how to leave it un-

redeemed.

When the Federal Constitution was adopted by the States, slavery existed, with but few exceptions, in them all. The right of property in slaves, and the duty of all the confederate States to respect that right in the citizens of each State, are admitted and enforced by that Constitution. Congress, in discharge of its duty, has enacted laws providing safe-guards, and inculcating duties in regard to this species of property. South Carolina, as Virginia, has not seen fit to change her policy, and abolish this species of property; and she will permit no State or authority to impair its value or security: and like Virginia, she here avows her unalterable purpose to protect and defend it from all invasion and attack, come from what source they

That the refusal of the Executive of New York to comply with the demand of Virginia, is, in the language of that Commonwealth, "a palpable and dangerous violation of the Constitution and laws of the United States," is a proposition which admits no debate. The pretension of New York, that that State or any Department of her Government, may look into the statute book of another State, and pronounce upon the policy or the morality of its legislation, when called to the performance of a constitutional duty, plainly enjoined, is no less arrogant, than it is violative of her Federal obligations and plighted faith. The statute, whose provisions have been recited, is no less plainly and directly in contradiction of the Constitution and laws of the United States, than is the refusal of the Executive Department. It is a distinct and unequivocal recognition of the right of the master to hold property in his slave, and the correlative duty of States into which he has fled, but a mere mockery of both. The impediments and hindrance which it imposes on the right to re-capture a fugitive slave within the jurisdiction of New York, amount to a virtual denial of the rights of the master, and withholding his remedy. The laws of the United States define a proceeding ministerial, summary and expeditious, which alone consists with the rights of the master. The statute of New York, prescribes magisterial inquiry, and dilatory, doubtful, and vexatious litigation, the hazards of which, are a denial of the remedy to the master, and impunity and protection to his slave. And the right of the master to seize and arrest his slave, as well as

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the duty of the magistrate to issue the certificate for removal, which are prescribed by the laws of the United States, are made high misdemeanors by the statute of New York.

If, in the final determination of the Executive of New York, and the delay which attended his communications, in his correspondence with the Executive of Virginia, a disregard of the obligations of the Constitution, and a spirit inimical to the slave property of the latter, be not apparent, they are manifest in every feature of the obnoxious statute, which has been reviewed.

Interest, duty and honor, imperiously demand, that South Carolina announce to the authorities of New York, that so soon as that State shall break its solemn faith to Virginia, so soon shall be cancelled our constitutional obligations as to her. When a State shall have been disappointed of those rights and remedies, for which stipulation was made when the compact of Union was adopted, then will the painful but imperative duty of protecting her rights, in her own way, have been imposed upon her. This State, having a common purpose, and common interest with Virginia, to uphold the Federal Constitution, by exacting compliance with its obligations, is prepared to make common cause with that Commonwealth, in the maintenance of her rights.

As the chief danger to our slave property arises directly from the commercial intercourse which is permitted the citizens of States like New York, having no similar interest, our enactments should be specifically directed against the means that have been resorted to, and are most likely to be embraced by those who assail it. The peculiar character of that property, its immense value, and the facility of abducting it, by those who trade to our ports, are considerations which should determine us to a course of decisive and effectual legislation. These views have suggested to your Committee the expediency of imposing such restrictions and obligations upon those who would benefit by our commerce, as will inforce the simple duty of not molesting us in the enjoyment of our property. This species of legislation is commended by your Committee, as not only free from well-founded constitutional objections, but as promising the greatest security to us, which is probably attainable.

If this species of legislation be supposed to contravene the Constitution or Laws of the United States, your Committee venture to believe that the competency of the State to make it, depends on principles neither of recent origin, nor questionable acceptance. The basis of the whole doctrine of State Rights is the assumption, that the Constitution of the United States is a compact between sovereign States. From this postulate results the concession of that Constitution, that the powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people. If the power delegated to the United States be also prohibited to the States, or in its nature and essence exclusive, it is not pretended that it can be exercised by a State. But if the delegated power be not of this category, and be not expressly prohibited to the States, it is a power which may be concurrently exercised by the States, and the United States. The ablest commentators, and the most distinguished jurists concede, that this is the just and accepted construction of powers that are, by the States, delegated to the United States. Of this latter class, is the power of the United States to regulate commerce.

If then, the regulation of commerce be within the competency of the States, as well as of the United States, enquiry arises, whether there is any law of the latter regulating commerce, to which the Bill, proposed by your Committee, would be repugnant. In determining whether there would be collision between the Bill proposed, and a law of Congress affecting commerce, the question would be, whether there is a constitutional repugnancy and incompatibility, as mere inconvenience, cannot, by implication, be permitted to divest a right of sovereignty. Occasional interference in the exercise of concurrent jurisdiction, is not enough to infer constitutional contradiction, and the exclusion of State authority. The right of the States to enact regulations that affect commerce, and even impose restraints upon it, is illustrated by quarantine laws, port laws, inspection laws, and others of like nature. But your Committee are not apprised of any law of the United States, regulating commerce, with which the Bill proposed, would be found to conflict.

But the Bill proposed by your Committee, as they conceive, does not seek to regulate commerce, and cannot be said, with propriety, to affect it in any wise. It proposes a measure of mere Municipal Police—a regulation of that

species which no one has denied to the States.

But although it may be conceded, that the legislation proposed, does not contravene the power of Congress, legitimately to regulate commerce, yet it may be supposed, that it does not consist with the privileges and immunities that are granted by the Federal Constitution, to the citizens of a State, in all other States of the Union. To this point, it will be permitted your Committee, to address a brief argument. Without such provision in the Constitution of the United States, as that here alluded to, it would have resulted from the Sovereignty of the several States, that the citizens of each, would bear to all the other States, the relation of aliens, and be subject to the inconveniences and disabilities of that relation; and to confer upon them, not citizenship itself, but the rights of citizenship, was its purpose and object. But the privileges and immunities contemplated, are fundamental in their nature, and embrace, in the language of an eminent jurist, "protection by the Government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and attain happiness and safety, subject to such restraints as the Government may justly prescribe for the general good of the whole."

But your Committee, presume the question is not whether the citizens of each State, should enjoy, in every other State, the privileges and immunities that are conferred on its own citizens, but whether a State can make discriminations between its own citizens. If it be ascertained that a State may bestow, on classes of its own citizens, privileges and immunities that are not common to the mass, then it is apprehended, the point is made clear. The qualification of the Elective Franchise which exists in some of the States, and once existed in this, the eligibility to office, charter laws, and the right to practice the learned professions, are examples of the power of a State to create distinctions amongst her citizens, and many others might be embraced in the enumeration. The principle is, that a State cannot deprive the citizens of another State, of the privileges and immunities of which it cannot divest its own citizens. But discriminations between citizens of a State, and those of other States, are of frequent occurrence in all the States,

and the right to create them, is of unquestionable validity.

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s is eleted But the Bill proposed by your Committee, seeks merely to take from the citizens of other States, the immunity which is not enjoyed by citizens of this State; and to impose upon them, restrictions which are endured by its own

South Carolina has, however, declared in the solemn form of Legislative enactment, her views of these provisions of the Constitution, as well as of her police regulations; and as they have not yet been impugned, your Committee take leave to decline further vindication of them. By the statute of one thousand eight hundred and twenty three, any vessel from another State or foreign port, having on Board any free negroes or persons of color, as cooks, stewards, mariners, or in any other capacity, is prohibited from entering any port or harbor of this State, under sanctions which have been found adequate to the suppression of the evil that was sought to be corrected. Let, then, those whom it may concern to know the policy of this State, and her interpretation of her rights as a member of these United States, consult her Statute Book, and if they are wise, they will not offend against her policy or her institutions.

In testimony of the high confidence which South Carolina reposes in the Counsels of Virginia, and a manifestation of her determination to co-operate with that Commonwealth, and other States, in maintaining, by all proper methods, an institution in which she has a common interest, your Committee beg leave to report the Bill referred to them, which is a copy of the Virginian and the common interest of the common interest.

ginia Law.

1. Resolved, That this Legislature view with regret, the constructive meaning of the constitutional provision, respecting "fugitives from justice," and "fugitives from service," asserted by the Executive and Legislative authorities of the State of New York, in the year one thousand eight hundred and forty.

- 2. Resolved, That in the opinion of this Legislature, the forced and dangerous construction put upon the 4th Article of the Constitution of the United States, and the pretension to control its operation by the State of New York, as indicated by the positions of her Executive, in the progress of the late controversy with Virginia, and the proceedings of her Legislature pending the same, should be repudiated and discountenanced by every State in the Union, as destructive of the faith pledged in the Constitution, and ultimately subversive of that State Sovereignty upon which they profess to be founded.
- 3. Resolved, That the Governor be requested to communicate to the authorities of Virginia, the high sense entertained by this Legislature, of their moderation and respectful forbearance, in conducting the recent unhappy controversy with the State of New York—of the justness of the position assumed by Virginia, on the assurance of the hearty co-operation of South Carolina in all proper measures to vindicate her rights as a State, and to protect the property of her citizens.
- 4. Resolved, That copies of the Report and Resolutions adopted by the Legislature, together with a certified copy of the Bill, when passed, be furnished by the Governor of this State, to the Governor of Virginia, and the

Governors of the several States of this Union; and to our Senators and Representatives in Congress, to be laid before that body.

In the House of Representatives, December 14, 1841.

Resolved. That the House do agree to the Report. Ordered, That it be sent to the Senate for concurrence.

By order,

T. W. GLOVER, C. H. R.

In the Senate, December 17, 1841.

Resolved, That the Senate do concur in the Report. Ordered, That it be returned to the House of Representatives.

By order,

W. E. MARTIN, C. S.

Ordered, That said message be referred to the committee on Federal Relations.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled preamble and resolution, and enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

Preamble and resolution in relation to the settlement of the accounts of the Green and Barren river Commissioners.

An act for the benefit of Henry O. Brown, and others.

An act for the benefit of Lud Fore.

An act for the benefit of Thomas G. Tupman, and his securities.

An act for the benefit of the Sheriffs of Nicholas and Lawrence counties.

An act for the benefit of George W. Bush, and others.

An act to amend the law concerning the revivor of suits.

An act to reduce the number of Justices of the Peace in Nicholas county.

An act to incorporate the Greenup Iron Manufacturing Company under the general law.

An act for the benefit of the Georgetown Light Artillery.

An act allowing an additional Constable to Lawrence county, and for other purposes.

An act to amend the revenue law.

An act to amend an act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

An act for the benefit of Mary Hyatt, and her children.

An act for the benefit of the heirs of Knight B. Curd, late of Warren county, Kentucky.

An act to change the name of William O. Gallihew to that of William Rice.

An act for the benefit of Common Schools in Franklin county.

An act for the benefit of the Female Academies at Nazareth and Loretto.

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An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

An act to amend an act, entitled, an act appointing Commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston, approved February 9th, 1828.

An act for the benefit of the infant heirs of Tabitha Gooch, deceased.

An act for the benefit of Richard T. and John H. Allison.

An act for the benefit of the widow and heirs of John T. Langhorne, dec'd.

An act for the benefit of Hiram Rankins, and wife and children.

An act granting a change of venue to Vardeman Faris.

An act for the divorce of Elisha Weller.

An act concerning turnpike roads in this Commonwealth.

An act to attach the county of Crittenden to the 16th Judicial District, and for other purposes.

An act to regulate elections in the county of Marshall, and for other pur-

poses.

An act for the benefit of certain Sheriffs.

An act to authorize the Trustees of the town of Mayfield to sell a lot, known on the plan of said town as "the College lot," and purchase another. An act allowing further time to the 32d Regiment, Kentucky Militia, to

hold their Court of Assessment.

An act to amend the law in relation to the collection of fee bills in this Commonwealth.

An act to extend the time of receiving and registering headright plats and certificates, and legalizing those received since the old law expired.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

The Senate resumed the consideration of a bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of

The amendments made in the committee of the whole were concurred in. Mr. Rodes moved to amend the said bill by adding thereto the following sections, viz:

SEC. - Be it further enacted, That the Lexington and Ohio railroad, recently purchased by the State, shall be under the entire control and management of the Board of Internal Improvement, who shall continue to use the same, by transporting persons and freight thereon, and for that purpose, may employ such officers, agents and servants as are necessary. The said Board shall, forthwith, cause the said road to be thoroughly repaired, and extended t,

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to the western terminus of Broadway, Market street, in Frankfort, on the Kentucky river; they may sell and convey any real or personal property, acquired by the State, with said road, upon such terms as to time and price, as they may think best, and shall apply the proceeds of sales to the repair of the road, taking care not to sell any required for the use and purposes of the road.

Sec. —. Be it further enacted, That in order to insure the repair and extension of said road, the Governor be, and he is hereby, authorized and requested to cause to be issued, bonds of this State, in the usual form, of the denomination of one thousand dollars, bearing interest at the rate of six per cent. per annum, to an amount not exceeding one hundred thousand dollars, redeemable at the end of six years, to pay for said work, and to purchase materials, cars, &c. for said road: Provided, however, That the bonds aforesaid shall not be issued unless there shall be a sufficient sum in, or likely to come into the Sinking Fund, to pay the interest thereon, in addition to the amount that may be necessary to pay the interest on the appropriations hereinbefore made: And provided further, That it shall be lawful for the Governor to deposit the said bonds in any Bank or Branch Bank in the State, and authorize and negotiate for the issue of certificates of deposit by said Bank or Branch Bank, to be signed by the President and countersigned by the Cashier thereof, of denominations which shall be deemed by the Governor most advisable; but not less than four nor exceeding twenty dollars, bearing an interest of six per cent. per annum, from the date of issue; and said certificates shall express, on their face, that they are payable in bonds of the State, and that they will be received at par in payment of transportation of freight and passengers on said railroad; and the holders of such certificates, upon depositing one thousand dollars thereof in amount with such Bank, shall be entitled to receive, in exchange therefor, a bond for a similar amount, deposited as aforesaid; and said certificates of deposit shall be paid out to Contractors, at their par value, for the repair of said road, upon the proper check of the Treasurer in favor of said Contractor.

SEC. —. Be it further enacted, That the profits of said road, after defraying all expenses, and the interest of the bonds herein authorized to be issued for its improvement, shall be applied to the payment of said bonds.

SEC. —. Be it further enacted, That it shall be the duty of the Board of Internal Improvement, on the 1st day of June, 1843, and on the 1st day of January in each year thereafter, to have all the said bonds which may have come into the possession of the Board as profits on the road, to be cancelled in the presence of the Governor and First and Second Auditors; and the Board shall continue to cancel the said bonds, annually, as aforesaid, until the whole amount shall be cancelled; and the Auditor shall report to the Legislature, then in session, the amount so cancelled, being the profits of the road.

SEC. —. Be it further enacted, That after the redemption of the bonds as aforesaid, the profits of the road, after defraying the expenses thereon, shall be paid by the Board into the Sinking Fund.

Sec. —. Be it further enacted, That the Board of Internal Improvement shall fix, from time to time, the rates of transportation; but they shall, in no event, exceed those heretofore allowed by their charter to the Lexington and Ohio Railroad Company. The same penalties shall be incurred for in-

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juries done to said road, or for riding on the embankments thereof, and recoverable in the same manner as are prescribed by the charter of the said

Lexington and Ohio Railroad Company.

Sec. — Be it further enacted, That the Board of Internal Improvement shall take, from all the necessary officers and agents employed in the superintendence of said road, bond, with approved security, payable to the Commonwealth, conditioned for the faithful performance of the duties imposed upon them, respectively; and shall have power, from time to time, to dismiss such officers and agents, whenever the public interest require it, and to make such rules and regulations, from time to time, as they may deem necessary for the government of the affairs of the Company. They shall cause that part of said road which runs from Louisville to Portland, to be repaired and put in good order, and extended to the ferry in Portland; and they shall have power to rent the same to some person who shall engage to repair and extend the road as aforesaid, paying due regard to the lease now held on said road by Minor W. Redd.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rodes and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bennett,	Morgan, D.	Rodes,
Clarke,	Morgan, J. S.	Wallace,
Dver,	Pirtle,	Williams, S. L-11
Hanson,	Pratt,	

Those who voted in the negative, were-

Messrs. Alexander,	James,	Rice,
Bailey,	Jesup,	Slaughter,
Burnett,	Johnson, B. B.	Sterett,
Craddock,	Johnston, G. W.	Sympson,
Garth,	Loving,	Walker, C. J.
Griffith,	McAfee,	Walker, J. V.
Hardin,	McElroy.	Williams, M.
Hughes,	Palmer,	Young—26.
Huston	Pavne.	

Mr. Payne moved to amend the said bill by adding thereto the following, to wit:

And that the further sum of twenty thousand dollars, herein appropriated, for amounts already due to Contractors, be paid over to the Louisville, Elizabethtown and Nashville Turnpike Road Company, for work already done; and the State shall be entitled to that additional quantity of stock in said road.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Griffith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Payne. Pirtle,

Walker, J. V. Young-4.

Palmer,

Those who voted in the negative, were—

Messrs. Alexander, Bailey, Bennett, Burnett, Clarke, Craddock. Dyer, Garth. Griffith. Hanson. Hardin.

Hughes, Huston, James, Jesup, Rodes,
Johnson, B. B. Slaughte
Johnston, G. W. Sterett, Loving, McAfee, Morgan, D. McElroy, Morgan, J. S.

Pratt, Rice, Rodes, Slaughter, Sympson, Wallace, Walker, C. J. Williams, M. Williams, S. L-33

Mr. Craddock moved to strike out the ninth section of said bill, which is as follows, viz:

SEC. 9. Be it further enacted, That twenty thousand dollars of the sum of two hundred thousand dollars, herein appropriated for amounts already due to Contractors, be paid over to the Glasgow and Scottsville Turnpike Road Company, for work and labor already done; and the State shall be entitled to that additional amount of stock in said road.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Craddock, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Bailey, Bennett, Burnett, Craddock, Garth.

Hardin, Huston, James, Jesup, Johnson, B. B. McAfee,

Palmer. Pratt. Rice, Sterett, Walker, C. J.

Griffith, McElroy,

Those who voted in the negative, were-

Messrs. Clarke, Dyer, Hanson, Hughes,

Loving, Morgan, D. Morgan, J. S. Pirtle, Johnston, G. W. Rodes,

Slaughter, Sympson, Wallace, Walker, J. V. Young-15,

Williams, M-20,

Mr. Rice moved a substitute for the said bill.

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On the motion of Mr. Griffith, the said substitute was amended by adding thereto the following, viz:

Be it further enacted, That the sum of \$123,000 of the amount hereby appropriated, shall be applied to finish the locks and dams, now under contract on Kentucky river, and on Green and Barren rivers.

Mr. Wallace moved to amend the said amendment by adding thereto the following, viz:

And be it further enacted, That the sum of \$85,000 is hereby appropriated to the Licking river navigation.

The question being taken on the adoption of the amendment offered by Mr. Wallace, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Wallace, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bennett, Clarke, Dyer, Hanson, Loving,	Morgan, D. Morgan, J. S. Payne, Pirtle, Pratt,	Slaughter, Sympson, Wallace, Williams, M. Williams, S. L-17
McAfee,	Rodes,	

Those who voted in the negative, were-

Messrs. Alexander,	Hughes,	Palmer,
	Huston,	Rice,
Bailey,	4 17 A 4 B 18 B	Sterett,
Burnett,	James,	Walker, C. J.
Craddock,	Jesup,	
Garth.	Johnson, B. B.	Walker, J. V.
Griffith,	Johnston, G. W.	Young—20.
Hardin	McElrov.	

The Speaker laid before the Senate the following communication, viz:

Senate Chamber, 16th February, 1842.

DEAR SIR:

I request the favor of you to present the enclosed communication to
the Senate over which you preside.

I am, with high respect,
Your obedient servant,
H. CLAY.

Hon. Manlius V. Thomson, Speaker of the Senate.

> Washington, Senate Chamber, 16th February, 1842.

To the honorable, the General Assembly of Kentucky:

When I last had the honor of an appointment as one of the United States Senators from Kentucky, I intimated, in my letter of acceptance, the pro-

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States ie probability of my not serving out the whole term of six years. In consequence of there having been two extra sessions of Congress, I have already attended, since that appointment, as many sessions of Congress as ordinarily happen, during a Senatorial term, without estimating my services at the present session.

I have, for several years, desired to retire into private life, but have been hitherto prevented from executing my wish, by considerations of public duty. I should have resigned my seat in the Senate at the commencement of the present session, but for several reasons, one of which was that the General Assembly did not meet until near a month after Congress, during which time the State would not have been fully represented, or my successor would have had only the uncertain title of an Executive appointment.

The time has now arrived, when, I think, that without any just reproach, I may quit the public service, and bestow some attention on my private affairs, which have suffered much by the occupation of the largest part of my life in the public councils. If the Roman veteran had a title to his discharge after thirty years service, I, who have served a much longer period, may justly claim mine.

I beg leave therefore to tender to the General Assembly, and do now hereby tender, my resignation of the office which I hold of Senator, in the Senate of the United States, from the State of Kentucky, to take effect on the 31st March, 1842; and I request that the General Assembly will appoint my successor to take his seat on that day. I have fixed that day to allow me an opportunity of assisting in the completion of some measures which have been originated by me.

I embrace the occasion to offer to the General Assembly my profound and grateful acknowledgments for the numerous and distinguished proofs, by which I have been honored, of its warm attachment and generous confidence during a long series of years.

I have the honor to be, with the highest respect, Your faithful and obedient servant,

H. CLAY.

Mr. Jesup read and laid on the table the following resolution, viz:

Resolved by the Senate and House of Representatives, That they will proceed on Friday next, at three o'clock, to the election of a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. Henry Clay.

And then the Senate adjourned.

THURSDAY, FEBRUARY 24, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to change the time of holding certain County and Circuit Courts.

An act to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

An act for the benefit of Mechanics, and others, performing labor or furnishing materials for the constructing or repairing of buildings in the towns of Hickman and Frankfort.

An act concerning the roads in Campbell county.

An act for the benefit of Elizabeth Green.

An act to change the time of holding the Circuit and County Courts in the counties of Simpson and Allen, and for other purposes.

An act for the benefit of the children of John and Susan Whip.

An act for the benefit of William and Jacob Luce.

Approved February 22, 1842.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of David A. Sayre.

An act for the benefit of John F. Linton, infant heir of John H. Linton, deceased.

An act for the benefit of Milly Young, and others.

An act for the relief of the widow and heirs of Christopher A. Rudd, deceased.

An act to amend an act, entitled, an act to incorporate the city of Covington, approved 24th February, 1834.

An act to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds, and other papers of record, in his office.

An act allowing additional Justices of the Peace to the counties of Spencer and Warren.

An act to amend the law concerning changes of venue.

An act for the benefit of Thomas Prater, committee for Josiah Prater, an idiot.

An act for the benefit of William Ward, of Carter county.

An act to reduce the salary of the President of the Bank of the Commonwealth.

An act to amend the law concerning the probate of wills.

An act authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

An act to incorporate the town of Pleasureville.

An act to regulate the tolls on the turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes.

An act concerning runaway slaves.

With an amendment to the last named bill.

That they had concurred in the amendment proposed by the Senate to resolutions from that House, in relation to amendments to the Constitution of the United States.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to establish a Tobacco Inspection at Montezuma.

That they had adopted preamble and resolutions in relation to the duty imposed on tobacco by France and England.

That they had passed bills of the following titles, to wit:

An act for the divorce of Matilda Wood and Margaret Long.

An act for the divorce of Catharine Blair.

An act to change the dividing line between the counties of Oldham and Trimble, and for other purposes.

An act for the benefit of the Jailers of certain counties.

An act to establish a town at Ruddle's mills, and to limit the election to one day, in certain counties.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Lysander Hord to be Police Judge of Frankfort, in place of John M. Bacon, resigned.

R. P. LETCHER.

February 23, 1842.

Resolved, That the Senate advise and consent to the said appointment.

I. Mr. Clarke presented the memorial of James S. Law & Co., Contractors for building lock and dam No. 5, on Licking river, praying that the State will protect and keep inviolate the contract, and provide means for carrying out the same.

2. Mr. Hughes presented the petition of sundry citizens of Westport, praying that the act passed the present session, to vacate a part of the town of Westport, and for other purposes, may be repealed.

3. Mr. S. L. Williams presented the petition of sundry citizens of Clarke county, and residents more immediately of that region commonly denomi-

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nated the Indian Old Fields, praying the Legislature to relieve, in some way, if possible, the great embarrassment of the country.

Which were received and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on the Judiciary, and the 3d to the committee on Propositions and Grievances.

The following bills were reported, to wit:

By Mr. Garth, upon leave-I. A bill touching the town of Somerset.

By Mr. J. S. Morgan, from a select committee—2. A bill to amend the execution laws of this Commonwealth.

By Mr. Bailey, from a select committee-3. A bill enlarging the limits of

the town of Bryantsville.

By Mr. Slaughter, from a select committee—4. A bill authorizing the Second Auditor to have the land sold that may be forfeited to the Commonwealth of Kentucky, for the non-payment of the taxes, interest and costs due thereon.

By Mr. Jesup, from the committee on Military Affairs—5. A bill for the benefit of Dillard Hazlerigg and Almanzor Ward.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d was re-committed to the same committee; the 4th to the committee on Finance, and the 1st, 3d and 5th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said 1st, 3d and 5th bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to amend the law establishing the Board of Internal Improvement.

Mr. McAfee moved a substitute for said bill, and the following resolution, to wit:

Resolved, That the bill and substitute be re-committed to the committee on Internal Improvement, with instructions to enquire and report to the Senate, with the bill, the amount of the expenses of the Board of Internal Improvement, Engineers, and other officers, under the present law: also, what will be the expenses under the bill of the House of Representatives, and the expenses of the Board of Internal Improvement and officers under the substitute proposed, and that they report to-morrow morning.

The question being taken on the adoption of the said resolution, it was decided in the affirmative.

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The yeas and nays being required thereon by Messrs. Sterett and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Johnston, G. W.	Pirtle,
Bailey,	McAfee,	Rodes,
Bennett,	Morgan, D.	Slaughter,
Burnett,	Morgan, J. S.	Walker, C. J.
Clarke,	Palmer,	Williams, M.
Craddock,	Payne,	Williams, S. L-19
Garth		

Those who voted in the negative, were-

Messrs Dyer,	James,	Sterett,
Griffith,	Jesup,	Sympson,
Hanson,	Johnson, B. B.	Wallace,
Hardin,	Loving,	Walker, J. V.
Hughes,	McElroy,	Young—17.
Huston,	Rice,	

On the motion of Mr. Slaughter, the committee on Agriculture was discharged from the further consideration of the petition of the Mayor and Council of the city of Louisville, praying that a Warehouse and Tobacco Inspection be established in Louisville.

Mr. Pirtle, from the committee on Federal Relations, made the following report, viz:

The committee on Federal Relations to whom was referred certain resolutions of the Legislature of Alabama, in relation to the admission of Texas into the Union of the United States, beg leave to report:

That they have had the subject under consideration, and have come to the conclusion that, if the people of Texas desire to be united to those of the United States under one common government, no obstacle should be interposed by the people of these States to the consummation of such Union. The people of Texas, generally, are of the same Anglo-Saxon origin with ourselves, speaking the same language, and, in many cases, claiming the place of their nativity within our borders, at the same time they boast of institutions of civil polity and government similar to our own. It may certainly be said with truth, that no two nations on earth have a stronger bond of union between them than the people of Texas and those of the United States. Indeed there are so many points of similitude between us in institutions, laws, language, origin and pursuits, that we may almost be said to be one people, notwithstanding the fact that we live under different governments.

Besides, it seems to your committee, it may be that the Republic of Texas will not be able to maintain herself as an independent State without another struggle, and that she may be compelled, in view of a suitable economy, to throw herself on the protection of some European Government. She has not now, and probably will not have for many years to come, the popu-

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lation and the resources to justify her in assuming an equal rank among the powerful nations of the earth. If she is to occupy a position of dependence on some foreign State, it becomes the people of the United States seriously to consider the consequences which may proceed from the establishment of such an influence so near our borders. The people of Texas, now our natural allies and friends, might thus be induced to afford succour to our enemies in time of war, and might, indeed, themselves become our foes. There are many points of view in which the establishment of a foreign hostile influence so immediately in our neighborhood, and on a rather defenceless frontier, is to be most earnestly deprecated; but your committee will not now undertake to point them out, as they will readily suggest themselves to the Senate.

In addition to the reasons already stated, your committee will only add that, in their opinion, the territory now embraced by the Republic of Texas, of right did belong to the United States, having been originally embraced within the limits of Louisiana as ceded to us by France. By re-annexing that country to the United States, we should only be correcting what the committee deem to have been an error of the General Government, in making the Sabine their western boundary, instead of the Rio del Norte.

In consideration of the reasons herein stated, and the many others which might readily be stated in corroboration of their views, your committee recommend the adoption of the following resolutions:

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That, should the people of the Republic of Texas express a desire to be incorporated into the union of these States, as a part thereof, the President of the United States, and the other functionaries of the General Government, ought to contribute their aid to the consummation of such union on just and equitable principles.

2. Resolved, That in the event of such a desire being manifested on the part of the Republic of Texas, the Senators and representatives of Kentucky, in the Congress of the United States, be requested to aid, as far as practicable, in the establishment of such union, on terms alike satisfactory and honorable to both parties, and consistent with the Constitution of the United States.

3. Resolved, That the Governor be requested to forward a copy of the foregoing report and resolutions to the President of the United States, to the Governors of the several States, and to each of our Senators and Representatives in Congress.

The said report and resolutions were concurred in.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Mount Washington Academy, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from the same committee, to whom was referred a bill from

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the House of Representatives, entitled, an act to incorporate the Lagrange Library Association, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act concerning turnpike roads in this Commonwealth.

An act granting a change of venue to Vardeman Faris,

An act for the benefit of Lud Fore.

An act allowing an additional Constable to Lawrence county, and for other purposes.

An act for the benefit of the Female Academies at Nazareth and Loretto.

An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

An act for the benefit of Harrison Rankins, and wife and children.

An act for the benefit of Mary Hyatt, and her children.

An act to change the name of William O. Gallihew to that of William Rice.

An act to amend the revenue law.

An act for the benefit of the heirs of Knight B. Curd, late of Warren county, Kentucky,

An act to amend an act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

An act to amend the law in relation to the collection of fee bills in this Commonwealth.

An act to extend the time of receiving and registering headright plats and certificates, and legalizing those received since the old law expired.

An act to amend the law concerning the revivor of suits.

An act to incorporate the Greenup Iron Manufacturing Company under the general law.

An act for the benefit of the Georgetown Light Artillery.

An act for the benefit of Henry O. Brown, and others.

An act for the benefit of Thomas G. Tupman, and his securities.

An act for the benefit of George W. Bush, and others.

An act for the benefit of certain Sheriffs.

An act to authorize the Trustees of the town of Mayfield to sell a lot, known on the plan of said town as "the College lot," and purchase another.

An act allowing further time to the 32d Regiment, Kentucky Militia, to hold their Court of Assessment.

An act for the benefit of Richard T. and John H. Allison.

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An act for the benefit of the widow and heirs of John T. Langhorne, dec'd. An act for the divorce of Elisha Weller.

An act to reduce the number of Justices of the Peace in Nicholas county. An act for the benefit of the Sheriffs of Nicholas and Lawrence counties.

An act to amend an act, entitled, an act appointing Commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston, approved February 9th, 1828.

An act for the benefit of Common Schools in Franklin county.

An act to regulate elections in the county of Marshall, and for other purposes.

An act to attach the county of Crittenden to the 16th Judicial District, and for other purposes.

An act for the benefit of the infant heirs of Tabitha Gooch, deceased.

Approved February 23, 1842.

Also, preamble and resolution in relation to the settlement of the accounts of the Green and Barren river Commissioners.

Approved February 23, 1842.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate

and House of Representatives :

By the request of the Governor of New Jersev, I transmit, herewith, a copy of a joint resolution of the Legislature of that State, upon the subject of a revision of the Tariff Laws.

R. P. LETCHER.

February 24, 1842.

Ordered, That said message be referred to the committee on Federal Relations

A message, in writing, was received from the Governor, nominating the officers of Boyle county.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Calloway county, reported the same, and the said bill was laid on the table.

Mr. G. W. Johnston, from the same committee, reported a bill for the benefit of William R. McFerrin—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

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Mr. McAfee, from a select committee, reported a bill supplemental to the act establishing the county of Boyle—which bill was read the first time.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

Mr. Bailey, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of David A. Sayre.

An act for the benefit of John F. Linton, infant heir of John H. Linton, deceased.

An act for the benefit of Milly Young, and others.

An act for the relief of the widow and heirs of Christopher A. Rudd, deceased.

An act to amend an act, entitled, an act to incorporate the city of Covington, approved 24th February, 1834.

An act to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds, and other papers of record, in his office.

An act allowing additional Justices of the Peace to the counties of Spencer and Warren.

An act to amend the law concerning changes of venue.

An act for the benefit of Thomas Prater, committee for Josiah Prater, an idiot.

An act for the benefit of William Ward, of Carter county.

An act to reduce the salary of the President of the Bank of the Commonwealth.

An act to amend the law concerning the probate of wills.

An act authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

An act to incorporate the town of Pleasureville.

And enrolled bills and a resolution which originated in the House of Representatives of the following titles, viz:

An act to incorporate the town of Independence in the county of Kenton, and further to regulate the town of Stephensport.

An act for the benefit of Sarah Gough.

An act for the benefit of Richard Cundiffe, sen'r.

An act for the benefit of the Sheriffs of Meade, Hart, Wayne and Marion counties.

An act to legalize the marriage of James Lashbrook and Nancy Burkhead, and the marriage of James Ransdell and Nancy Cornwell.

An act to incorporate a Tobacco Inspection at Montezuma and Louisa. An act for the divorce of Robert S. Brame and Elizabeth, his wife.

An act to change the name of Rebecca Ann Smith, and for other purposes.

An act to establish a State road from the Ohio river to Albany, in Clinton county, and for other purposes.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840, and further to regulate the town of Winchester.

An act for the benefit of A. Rawlings.

An act to incorporate the Barboursville Lyceum.

An act to amend an act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

An act for the benefit of Grace Church, in Hopkinsville.

An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

An act to amend the road law in the county of Bracken.

An act to amend the act incorporating the Jefferson Pond Draining Company.

An act to allow additional Justices of the Peace to certain counties, and for other purposes.

An act to amend an act, entitled, an act to incorporate the Russellville and Clarkesville Turnpike Road Company.

An act for the benefit of James Byers, jr.

An act to regulate and fix the value of unappropriated lands in the county of Madison.

An act for the benefit of the Clerk of the Owen County Court.

An act to change the time of holding the Knox County Court.

An act for the benefit of William Ratliffe.

A resolution in relation to the tolls charged at the locks.

The said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee were directed to lay the said bills before the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

On the motion of Mr. Hughes, leave was given to bring in a bill for the benefit of Prior Sanford and wife, and for other purposes; and Messrs. Hughes, Sympson and James were appointed a committee to prepare and

bring in the same.

The resolution fixing a day to elect a Senator in Congress, read and laid on the table by Mr. Jesup on yesterday, was taken up, twice read and adopted.

The Senate resumed the consideration of the motion to re-consider the vote by which a bill from the House of Representatives, entitled, an act for the benefit of John Hulme, was laid on the table until the first day of June next, and the said vote was re-considered. The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The Senate resumed the consideration of a bill to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

The amendment offered by Mr. Rice as a substitute for the bill, is as fol-

WHEREAS, the State of Kentucky has been engaged in a general system of Internal Improvement, in the prosecution of which a considerable debt has already accrued to individuals executing the works—wherefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the unexpended balance appropriated by the act, entitled, "an act to amend the several acts providing for the Internal Improvement in the State of Kentucky," approved 18th February, 1841, there is hereby appropriated the further sum of \$323,000.

SEC. 2. Be it further enacted, That the above sum of \$323,000 shall be applied exclusively by the Board of Internal Improvement in paying off and discharging debts against the Commonwealth, for work done by Contractors on any of the public works on either the rivers or roads in this Commonwealth.

SEC. 3. Be it further enacted, That to provide the necessary sums of money to meet the foregoing appropriations, the Governor of this Commonwealth be, and he is hereby, authorized to sell the bonds or scrip of the State, in the United States, or elsewhere, to the aforesaid amount of \$200,-000, in sums of not less than \$500, bearing an interest of six per centum, payable semi-annually, at any place within the United States, redeemable at any time after thirty years.

Sec. 4. Be it further enacted, That should any of the Contractors, for work already done, by a writing under his hand, executed to the Board of Internal Improvement, elect to accept as payment of his or their dues from this Commonwealth, any of the bonds or scrip of the State, authorized by this act to be issued, it shall be the duty of the Governor to issue the same, and place said bond or bonds in the Treasury; and upon the requisition of the Board of Internal Improvement, and the warrant of the Auditor in favor of such Contractor, it shall be the duty of the Treasurer to pay out the same, which shall be received by said Contractor and charged to said Board as so much money, and the same shall be considered as constituting a legal sale of said bonds to said Contractors.

Sec. 5. Be it further enacted, That in case any Contractor should desire to abandon and surrender his or their contract or contracts to the State, they shall give notice to the Governor of this Commonwealth; and upon receiving said notice, it shall be the duty of the Governor to appoint some competent person, and the Contractor shall be at liberty to choose some person to act with the person appointed by the Governor; and it shall be the duty of the person so appointed or selected, to immediately visit the works about to be surrendered, and proceed to estimate the value of the work

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ct for June and done, and assess the damage that may accrue, either to the individuals or the Commonwealth, in consequence of the work being abandoned; and in case said persons, so selected, cannot agree, it shall be their duty to select another person, and the decision of a majority shall be binding and final between the Commonwealth and such Contractors. The persons selected as aforesaid, determining between the Commonwealth and the Contractors, shall determine the price of labor according to contract prices, and report their estimate for work done and their assessment for damages, stating each sum seperately, which report shall be made to the Board of Internal Improvement, which report shall be entered on the books of said Board, and an order drawn in favor of such Contractor on the Internal Improvement fund.

SEC. 6. Be it further enacted, That the sum of \$123,000 of the amount hereby appropriated, shall be applied to finish the locks and dams, now under contract on the Kentucky river, and on Green and Barren rivers.

Mr. Garth moved the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bennett,	Morgan, D.	Slaughter,
Clarke,	Morgan, J. S.	Sympson,
Craddock,	Payne,	Wallace,
Dyer,	Pirtle,	Williams, M.
Hanson,	Pratt,	Williams, S. L.
Johnston, G. W.	Rodes,	Young—19.
Loving.		

Those who voted in the negative, were-

Messrs. Alexander,	Hughes,	Palmer,
Bailey,	Huston,	Rice,
Burnett,	Jesup,	Sterett,
Garth,	Johnson, B. B.	Walker, C. J.
Griffith,	McAfee,	Walker, J. V17.
Hardin	McElroy	

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and D. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bennett,	Johnston, G. W.	Pratt,
Clarke,	Loving,	Rodes,
Craddock,	Morgan, D.	Slaughter,
Dyer,	Morgan, J. S.	Wallace,
Hanson,	Payne,	Williams, M.
Jesup,	Pirtle,	Williams, S. L-18

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Those who voted in the negative, were-

s. Alexander,	Hughes,	Rice.
Bailey,	Huston,	Sterett,
Burnett,		
		Walker C I
Griffith,		
Hardin,	Palmer,	
Burnett, Garth, Griffith,	Johnson, B. B. McAfee, McElroy.	Sympson, Walker, C. J Walker, J. V Young—18.

And then the Senate adjourned.

FRIDAY, FEBRUARY 25, 1842.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act for the benefit of John Hulme.

An act to repeal an act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1st, 1836.

That they had concurred in the adoption of the following resolutions from the Senate, viz:

A resolution relative to the duties of the Public Printer.

A resolution fixing a day to elect a Senator in Congress.

That they had disagreed to a bill from the Senate, entitled, an act in relation to free negroes and mulattoes.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of Jailey Watson, and others.

An act to give an additional term to the Hardin Circuit Court.

An act to amend an act, entitled, an act to appoint Patroles in the Commonwealth of Kentucky.

An act to incorporate the Sandy Iron Manufacturing Company.

An act adding Spencer county to the 13th Judicial District, and to extend the terms of the Jefferson Circuit Court.

An act further to regulate and amend the laws regulating the town of Newport.

That they had adopted—1. A resolution in relation to the removal of the Steamboat New Argo.

2. Preamble and resolution in relation to the establishment of an Armory in the west.

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3. Preamble and resolutions in relation to the navigation of the western rivers.

The 1st was twice read and concurred in; the 2d was referred to the committee on Federal Relations, and the 3d to the committee on Internal Improvement.

That they had passed bills of the following titles, to wit:

- 1. An act for the divorce of Adella Noel.
- 2. An act for the benefit of Andrew Barnett.
- 3. An act for the benefit of Francis Graves.
- 4. An act for the benefit of the widow and heirs of March Hinkle, dec'd.
- 5. An act authorizing the County Court of Campbell to dispose of certain property.
 - 6. An act extending the limits of the town of Florence, in Boone county.
- 7. An act to regulate the terms of the courts of the 9th Judicial District, and for other purposes.
- S. An act for the benefit of Martin Fugate, late Sheriff of Pendleton county.
 - 9. An act to change the time of holding the Rockcastle Circuit Court.
- 10. An act for the benefit of William Newton, late Sheriff of Daviess county.

11. An act to change the place of voting in the Forman's Bottom election precinct in the county of Lewis.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Religion; the 2d and 6th to the committee on Propositions and Grievances; the 3d, 7th, 8th and 10th to the committee on Finance; the 4th, 5th and 9th to the committee on the Judiciary, and the 11th was ordered to be read a third time.

The constitutional rule as to the third reading of the IIth bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McElroy presented the petition of sundry citizens of Livingston and Crittenden counties, praying for the repeal or suspension of the act establishing the county of Crittenden—which was received and referred to the committee on Propositions and Grievances.

On the motion of Mr. James,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency and propriety of providing for taking the depositions of witnesses, summoned to attend the General Court, where said witness may reside more than one hundred miles from the town of Frankfort.

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Mr. Slaughter, from a select committee, reported a bill to re-organize the Board of Internal Improvement—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Internal Improvement.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the relief of the widow and heirs of Christopher A. Rudd, de-

ceased.

An act to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds, and other papers of record, in his office.

An act for the benefit of John F. Linton, infant heir of John H. Linton, deceased.

An act to incorporate the town of Pleasureville.

An act to amend an act, entitled, an act to incorporate the city of Covington, approved 24th February, 1834.

An act allowing additional Justices of the Peace to the counties of Spencer and Warren.

An act to amend the law concerning changes of yenue.

An act for the benefit of David A. Sayre.

An act to reduce the salary of the President of the Bank of the Commonwealth.

An act for the benefit of William Ward, of Carter county.

An act for the benefit of Thomas Prater, committee for Josiah Prater, an idiot.

An act authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

An act to amend the law concerning the probate of wills.

An act for the benefit of Milly Young, and others.

Approved February 24, 1842.

Three messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows:

EXECUTIVE OFFICE, February 25, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Thomas Jones to be Sheriff of the county of Laurel, in place of Pleasant L. Parker, who refuses to accept. R. P. LETCHER.

Executive Office, February 25, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Thomas Towles to be Police Judge of the town of Henderson.

R. P. LETCHER.

Gentlemen of the Senate:

I nominate for your advice and consent, Virgil McKnight, James Guthrie and Aris Throckmorton to be Directors of the Bank of Kentucky, and Waller Bullock, Henry T. Duncan and Madison C. Johnson to be Directors of the Northern Bank of Kentucky, on the part of the State.

R. P. LETCHER.

February 25, 1842.

Resolved, That the Senate advise and consent to the said appointments.

The consideration of albill supplemental to the act establishing the county of Boyle, was resumed. The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Mercer county shall continue to serve all process, writs, subpœnas and executions of every kind which may issue from the Clerk's office of the Mercer Circuit and County Courts, in all cases which are pending in said courts, or which may arise, until the 20th of February next, any law to the contrary notwithstanding.

Sec. 2 Be it further enacted, That the act to establish the county of Boyle, passed during the present session of the General Assembly, be, and

the same is hereby, suspended until the 20th of February next.

The question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. McAfee and Hughes, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Johnston, G. W.	Rice,
Garth,	McAfee,	Wallace,
Hughes,	McElroy,	Walker, J. V.
James,	Morgan, J. S.	Williams, M.
Jesup,	Palmer,	Young-17.
Johnson, B. B.	Pratt,	

Those who voted in the negative, were-

Messrs. Alexander,	Hanson,	Rodes,
Bennett,	Hardin,	Slaughter,
Burnett,	Huston,	Sterett.
Clarke,	Loving,	Sympson,
Craddock,	Morgan, D.	Walker, C. J.
Dver.	Payne,	Williams, S. L-20
Griffith.	Pirtle.	

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On the motion of Mr. Rice, the committee of Propositions and Grievances was discharged from the further consideration of the petition to remove the seat of Justice of Washington county.

A resolution in relation to the removal of the Steamboat New Argo, from the House of Representatives, was twice read and concurred in.

The message, from the Governor, nominating officers for Boyle county, was taken up and read as follows, viz:

Gentlemen of the Senate

I nominate for your advice and consent, the following persons for the

several offices attached to their names, for the county of Boyle:

For Justices of the Peace, James P. Mitchell, Foushee T. Taylor, Michael G. Youce, Thomas Downton, Nelson Mays, George T. Kirkland, Obediah Garnett, Abram Fulkerson, James S. Hopkins, John Henderson, Charles Henderson, Issacher P. Fisher, and Woodson Burton.

For Sheriff, Abram I. Caldwell. For Coroner, Andrew W. Knox.

R. P. LETCHER.

February 24, 1842.

Resolved, That the Senate advise and consent to the said appointments.

Mr. J. S. Morgan, from the committee to whom was referred a bill to amend the execution laws of this Commonwealth, reported the same without amendment.

Mr. Pirtle moved to amed the said bill.

On the motion of Mr. Payne, the said bill and amendment were laid on the table.

The yeas and nays being required thereon by Messrs. Craddock and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were-

Pirtle. Messrs. Alexander, Hardin, Rodes, Jesup, Bailey, Johnson, B. B. Sterett, Bennett, Walker, C. J. Johnston, G. W. Burnett, Loving, Walker, J. V. Clarke, Williams, S. L. Dyer, McElroy, Young—22. Griffith, Payne, Hanson,

Those who voted in the negative, were-

Slaughter, Messrs. Craddock, Morgan, D. Morgan, J.S. Sympson, Garth, Wallace, Hughes, Palmer, Williams, M-13. Huston, Rice, James,

Bills from the House of Representatives of the following titles, viz:

- 1. An act for the benefit of the Versailles Artillery Company, and for other purposes.
 - 2. An act for the benefit of Jacob Rizer, and others.
 - 3. An act for the benefit of the 15th Regiment of Kentucky Militia.
 - 4. An act for the divorce of Matilda Wood and Margaret Long.
 - 5. An act for the divorce of Catharine Blair.
- 6. An act to change the dividing line between the counties of Oldham and Trimble, and for other purposes.
- 7. An act to establish a town at Ruddle's mills, and to limit the election to one day, in certain counties.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, the 1st, 2d and 3d were referred to the committee on Military Affairs; the 4th and 5th to the committee on Religion; the 6th to the committee on Propositions and Grievances, and the 7th to the committee on the Judiciary.

Preamble and resolutions from the House of Representatives in relation to the duty imposed on tobacco by France and England, were referred to the committee on Agriculture.

Resolved. That the Senate concur in the amendment proposed by the House of Representatives to the amendment proposed by the Senate to a bill from that House, entitled, an act to change the terms of certain Circuit Courts in the 17th Judicial District.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act to amend the law which provides for condemning land for public purposes.

An act to establish two additional election precincts in the county of Carter.

An act concerning runaway slaves.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

An act concerning the Maysville and Mountsterling turnpike road.

Bills from the House of Representatives of the following titles, viz: An act for the benefit of Peter Dupauw.

An act for the benefit of the Jailers of certain counties.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second and third readings of said bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

for Mr. A

Mr. Alexander from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of Jailey Watson and others.

An act to give an additional term to the Hardin Circuit Court.

An act regulating the tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes.

An act to amend an act, entitled, an act to appoint Patroles in the Commonwealth of Kentucky.

An act to incorporate the Sandy Iron Manufacturing Company.

An act adding Spencer county to the 13th Judicial District, and to extend the terms of the Jefferson Circuit Court.

An act further to regulate and amend the laws regulating the town of Newport.

A resolution relative to the duties of the Public Printer.

A resolution fixing a day to elect a Senator in Congress.

And enrolled bills and resolutions which originated in the House of Representatives of the following titles, viz:

An act for the benefit of the Clerks of the Garrard and Hart County and Circuit Courts.

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of Benjamin Wickersham.

An act for the benefit of Nicholas L. Oliver, late Sheriff of Henry county. An act for the benefit of John Hulme.

An act concerning the Town Marshals of Harrodsburg and Danville, and for other purposes.

An act to reduce into one, and digest and amend the acts and amendatory acts incorporating the city of Lexington.

Resolutions in relation to amendments to the Constitution of the United States.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee were directed to lay the said bills before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

A message was received from the Governor, announcing that he had approved and signed the said resolution, fixing a day for the election of a Senator in Congress.

A message was received from the House of Representatives, announcing that they are now ready to proceed to the election of a Senator in Congress.

A message was sent to the House of Representatives, informing them that

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the Senate are now ready to proceed to the said election, and that Mr. John J. Crittenden stood in nomination for that office before the Senate.

A message was received from the House of Representatives, announcing that Mr. John J. Crittenden also stood in nomination before that body.

The Senate proceeded to vote as follows, viz:

Those who voted for Mr. John J. Crittenden, were-

Messrs. Alexander,	Jesup,	Rodes,
Bailey,	Johnston, G. W.	Slaughter,
Bennett,	Loving,	Sterett,
Clarke,	McElroy,	Sympson,
Craddock,	Morgan, D.	Wallace,
Dyer,	Morgan, J. S.	Walker, C. J.
Griffith,	Palmer,	Walker, J. V.
Hanson,	Payne,	Williams, S. L.
Huston,	Pirtle,	Young—29.
James.	Pratt,	

Messrs. Pirtle and C. J. Walker were appointed a committee to meet a committee on the part of the House of Representatives, and compare the joint vote and report the result.

After a short time, Mr. Pirtle reported that Mr. John J. Crittenden had received one hundred and twenty votes, which being all the votes given, Mr. John J. Crittenden was declared to be duly elected a Senator in the Congress of the United States, in the place of Hon. Henry Clay, resigned.

Mr. Hughes, from a select committee, reported a bill for the benefit of Pryor Sandford and wife, and for other purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

An engrossed bill, entitled, an act to provide for the payment of the debts already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement, was read the third time.

On the motion of Mr. Payne, the vote by which the said bill was ordered to be engrossed and read a third time, was re-considered.

The yeas and nays being required thereon by Messrs. Hardin and Slaughter, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Craddock,	Jesup,
Bennett,	Dyer,	Johnston, G. W.
Burnett,	Hanson,	Loving,
Clarke,	James,	Morgan, D.

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Morgan, J. S. Payne, Pirtle, Pratt, Rodes, Slaughter, Sympson, Wallace,

Wakler, C. J. Williams, M. Williams, S. L-23

Those who voted in the negative, were-

Messrs. Alexander, Garth, Griffith, Hardin, Hughes, Huston, Johnson, B. B. McElroy, Palmer,

Rice, Sterett, Walker, J. V. Young—13.

Mr. Jesup moved to amend the said bill so as to reduce the whole amount appropriated, from six hundred thousand dollars to four hundred and twenty thousand dollars; to reduce the amounts appropriated to the Green and Barren river navigation from sixty thousand to forty thousand dollars; to the Kentucky river navigation, from sixty two thousand to forty two thousand dollars, and to the Licking river navigation, from eighty five thousand to sixty thousand dollars.

The question being taken on the said amendment, moved by Mr. Jesup, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jesup and Pratt, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,
Bennett,
Burnett,
Clarke,
Craddock,
Dyer,
Hanson,
James,
Jesup,

Johnston, G. W. Loving,
McElroy,
Morgan, D.
Morgan, J. S.
Payne,
Pirtle,
Pratt,
Rice,

Rodes,
Slaughter,
Sympson,
Wallace,
Walker, C. J.
Walker, J. V.
Williams, M.
Williams, S. L.
Young—27.

Those who voted in the negative, were-

Messrs. Alexander, Garth, Griffith,

Hardin, Hughes, Huston, Johnson, B. B. Palmer, Sterett—9.

Ordered, That the said bill be re-engrossed and again read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being re-engrossed,

Mr. M. Williams moved to amend the same by adding thereto the following engrossed section by way of ryder, viz:

Be it further enacted, That the further sum of three thousand dollars be, and the same is hereby, appropriated to be expended on the road commenc-

ing at Coxe's creek, in Fleming county, by way of West Liberty, in Morgan county, and terminating at the intersection of the State road at Licking Station in said last mentioned county, which said appropriation shall be under the direction of the Board of Internal Improvement, and expended for the repairs of the aforesaid road during the year 1842.

The question being taken on the adoption of the said amendment, it was decided in the negative, the rule of the Senate requiring a vote of two thirds.

The yeas and nays being required thereon by Messrs. Sterett and Hardin, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bennett,	Johnston, G. W.	Pratt,
Clarke,	Loving,	Rodes,
Dyer,	Morgan, D.	Slaughter,
Hanson,	Morgan, J. S.	Wallace,
James,	Payne,	Williams, M.
Jesup,	Pirtle,	Williams, S. L-18

Those who voted in the negative, were-

Messrs. Alexander,	Hardin,	Rice,
Bailey,	Hughes,	Sterett,
Burnett,	Huston,	Sympson,
Craddock,	Johnson, B. B.	Walker, C. J.
Garth,	McElroy.	Walker, J. V.
Griffith,	Palmer,	Young-18.

Mr. B. B. Johnson moved to amend said bill by way of engrossed ryder, when the previous question was moved and ordered to be put; and the question being taken on the passage of the said bill, in was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Hardin, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Johnston, G. W. Rodes,	
Bennett,	Loving, Slaughter,	
Clarke,	Morgan, D. Wallace,	LA.
Craddock,	Morgan, J. S. Walker, C.	J.
Dyer,	Payne, Williams, 1	M.
Hanson,	Pirtle, Williams, S	
Jesup.	Pratt.	

Those who voted in the negative, were-

Messrs. Alexander,	Huston,	Rice,
Burnett,	James,	Sterett.
Garth,	Johnson, B. B.	Sympson,
Griffith,	McElroy,	Walker, J. V.
Hardin,	Palmer,	Young—16.
Hughes,	and the state of t	

Resolved, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

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SATURDAY, FEBRUARY 26, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills and a resolution which originated in that House of the following titles, viz:

An act to incorporate the town of Independence in the county of Kenton, and further to regulate the town of Stephensport.

An act for the divorce of Robert S. Brame and Elizabeth, his wife.

An act to change the name of Rebecca Ann Smith, and for other purposes.

An act to establish a State road from the Ohio river to Albany, in Clinton county, and for other purposes.

An act to amend the road law in the county of Bracken.

An act to amend the act incorporating the Jefferson Pond Draining Company.

An act for the benefit of the Clerk of the Owen County Court.

An act to change the time of holding the Knox County Court.

An act for the benefit of Richard W. Hawkins, deputy Sheriff of Carroll county.

An act for the benefit of Grace Church, in Hopkinsville.

An act to incorporate the Barboursville Lyceum.

An act for the benefit of A. Rawlings.

An act to amend an act, entitled, an act authorizing the County Court of Pendleton to appoint a county Treasurer for said county.

An act for the benefit of William Ratliffe.

An act to fix the value of unappropriated lands in the county of Madison.

An act for the benefit of James Byers, jr.

An act to amend an act, entitled, an act to incorporate the Russellville and Clarkesville Turnpike Road Company.

An act to allow additional Justices of the Peace to certain counties, and for other purposes.

An act to establish Tobacco Inspections at Montezuma and Louisa.

An act for the benefit of the Sheriffs of Meade, Hart, Wayne and Marion counties.

An act to legalize the marriage of James Lashbrook and Nancy Burkhead, and the marriage of James Ransdell and Nancy Cornwell.

An act for the benefit of Richard Cundiffe, sen'r.

An act for the benefit of Sarah Gough.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840, and further to regulate the town of Winchester.

An act to amend an act, entitled, an act to establish and improve a State road from Landing, in Boone county, to intersect the Covington and Lexington turnpike road, approved January the 29th, 1836.

Approved February 24, 1842.

A resolution in relation to the tolls charged at the locks.

Approved February 24, 1842.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to incorporate the Mount Washington Academy.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of William Beatty.

An act to divorce Catharine Pepper, and to change her name.

An act for the benefit of Emily Jackson.

An act enlarging the limits of the town of Bryantsville.

An act for the benefit of Dillard Hazlerigg and Almanzor Ward.

An act for the benefit of William R. McFerrin.

That they had passed bills of the following titles, to wit:

- 1. An act for the benefit of Thomas J. Nolen.
- 2. An act for the benefit of William P. C. Caldwell, of Caldwell county.
- 3. An act for the benefit of the widow and heirs of James Beasley, dec'd, and the infant children of Claiborn Chandler.
 - 4. An act for the benefit of Eliza Wilson Newton.
- 5. An act supplemental to an act granting certain powers to the Bank of Kentucky, approved 22d February, 1842.
- 6. An act allowing compensation to the Green and Barren river Commissioners.
 - 7. An act for the benefit of John McDonald.
 - 8. An act for the divorce of John Skillman.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 7th were referred to the committee on Finance; the 2d and 6th to the committee on Internal Improvement; the 5th to the committee on the Judiciary; the 8th to the committee on Religion, and the 3d and 4th were ordered to be read a third time.

The constitutional rule as to the third reading of the 3d and 4th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

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On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of the petition of P. Fulcher, and the petition of the executors of A. A. Shannon, and from a resolution to enquire into the expediency and propriety of providing for taking the deposition of witnesses, summoned to attend the General Court, where said witness may reside more than 100 miles from the town of Frankfort; and from the duty of preparing and bringing in a bill authorizing affidavits, made before Justices of the Peace in other States and Territories, to be read and used in the courts of this State, and a bill to authorize the county Surveyors of this Commonwealth to administer oaths in certain cases, and for other purposes.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law concerning attachments, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and restraining orders in chancery and county Surveyors."

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to regulate the terms of the courts of the 9th Judicial District, and for other purposes.

An act to establish a town at Ruddle's mills, and to limit the elections to one day, in certain counties.

An act to change the time of holding the Rockcastle Circuit Court.

An act for the benefit of the widow and heirs of March Hinkle, dec'd.

An act authorizing the County Court of Campbell to dispose of certain property.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Blankenship, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

A message was received from the Governor, by Mr. Harlan, Secretary of

State, announcing that the Governor had approved and signed enrolled bills and a resolution which originated in the Senate of the following titles, viz:

An act for the benefit of Jailey Watson, and others.

An act adding Spencer county to the 13th Judicial District, and to extend the terms of the Jefferson Circuit Court.

An act to give an additional term to the Hardin Circuit Court.

An act regulating the tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes.

An act to amend an act, entitled, an act to appoint Patroles in the Commonwealth of Kentucky.

An act further to regulate and amend the laws regulating the town of Newport.

An act to incorporate the Sandy Iron Manufacturing Company.

Approved February 25, 1842.

A resolution relative to the duties of the Public Printer.

Approved February 25, 1842.

Mr. Hanson, from the committee on the Judiciary, reported a bill further to define the crime of arson by a slave—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended.

Mr. M. Williams moved to lay the said bill on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rodes and Hanson, were as follows, viz:

Those who voted in the affirmative, were

Messrs. Bailey, Loving, Walker, C. J.
Craddock, McAfee, Walker, J. V.
Garth, Slaughter, Williams, M—11.
Hughes, Sterett,

Those who voted in the negative, were-

James, Pirtle, Messrs. Alexander. Jesup, Rice, Burnett, Clarke, Johnson, B. B. Rodes, Griffith, Johnston, G. W. Sympson, Hanson, McElroy, Wallace, Williams, S. L. Hardin, Morgan, J.S. Young-21. Huston, Payne,

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any slave shall, intentionally and unlawfully, burn any court house or county or public prison, or the office of the Clerk of any court within

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cy, ise nin this Commonwealth, or the Capitol of this Commonwealth, or any public office belonging to this Commonwealth, or the office of any County Surveyor of this Commonwealth, or any public office belonging to any county in this Commonwealth, or any tobacco house, ware house, stables in which horses are kept, or in towns, or store house, or any house or place where wheat, Indian corn, or other grain shall be kept, or any other house whatever, or any shed attached to or connected with any manufacturing establishment, or shall comfort, aid, abet, assist, counsel, hire or command any person or persons to commit any of the said offences, such slave, being thereof convicted, shall suffer death.

Mr. Hanson moved to amend the said bill by striking out the words "other house whatever," printed in italics, and inserting in lieu thereof the words, "mill, factory or distillery."

Mr. Payne moved to amend the said amendment by striking out the word "distillery."

The question being taken thereon, it was decided in the negative.

The year and nays being required thereon by Messrs. Payne and Hanson, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Craddock,

Payne,

Walker, C. J-3.

Those who voted in the negative, were-

Pirtle. Huston, Messrs. Alexander, Rice. Bailey, James, Jesup, Rodes, Burnett, Johnson, B. B. Sterett. Clarke, Sympson, Dyer, Johnston, G. W. Wallace, Loving, Garth, Walker, J.V. McAfee, Griffith, Williams, M. McElroy, Hanson, Morgan, D. Williams, S. L. Hardin, Young—30. Hughes, Palmer,

The amendment moved by Mr. Hanson was adopted.

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Hughes, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Alexander,	James,	Palmer,
Burnett,	Jesup,	Pirtle,
Clarke,	Johnson, B. B.	Rice,
Dyer,	Johnston, G. W.	Rodes,
Garth,	Loving,	Sympson,
Griffith,	McElroy,	Wallace,
Hanson,	Morgan, D.	Williams, S. L.
Hardin,	Morgan, J. S.	Young-25.
Huston.		

Those who voted in the negative, were-

Mes	srs. Bailey,
	Craddock,
	Hughes,
	McAfee,

Payne,
Slaughter,
Sterett,

Walker,	C. J.	
Walker,	J. V.	
Williams	s, M—10)

The following bills, from the House of Representatives, were reported from the committees to whom they were referred, without amendment, viz:

By Mr. Hardin, from the committee on the Judiciary—An act for the benefit of the citizens of Lawrence county, and for other purposes.

By Mr. Rice, from the committee on Propositions and Grievances—An act to change the dividing line between the counties of Oldham and Trimble, and for other purposes.

An act extending the limits of the town of Florence, in Boone county.

By Mr. Rodes, from the committee on Religion—An act for the divorce of Ann Creighton.

An act for the divorce of Adella Noel.

An act for the divorce of Catharine Blair.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Rice, the committee of Propositions and Grievances was discharged from the further consideration of the petition of sundry citizens of Clarke county, praying the Legislature to adopt some measure of relief to the country, to them referred.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Matilda Wood and Margaret Long, reported the same with an amendment, which was rejected.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. M. Williams, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Mary O. Knight, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Rodes, the committee on Religion was discharged from the further consideration of the petition of sundry citizens of Nicholas county to repeal the license laws, to them referred.

Mr. Loving made the following report.

[For the report—see Legislative Documents.]

Ordered, That the Public Printer print 250 copies of the said report for the use of the General Assembly.

Mr. Loving reported a bill allowing compensation to the Green and Barren river Commissioners—which was read the first time and laid on the table.

On the motion of Mr. Rice, the committee on Propositions and Grievances was discharged from the further consideration of the petition of sundry citizens of Bath county, praying that H. W. Roberts, a minor, may be made of lawful age, to them referred.

The following bills were reported, viz:

By Mr. Hanson, from the committee on the Judiciary—A bill to repeal, in part, the act entitled, an act to vacate a part of the town of Westport, and for other purposes.

Also-A bill to change the name of Eliza Wilson Newton to that of Eliza

Wilson Johnson.

By Mr. Young, from the committee on Religion—A bill for the divorce of Susan Wright, and to restore her to her former name.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of L. B. Stoughton, which bill was read the first time, and ordered to be read a second time.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate and House of Representatives:

By the request of the Governor of Tennessee, I herewith transmit copies of resolutions of the Legislature of that State, upon the subject of the American Tobacco interest.

R. P. LETCHER.

February 26, 1842.

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COMMONWEALTH OF TENNESSEE.

EXECUTIVE DEPARTMENT,
Nashville, February 15, 1842.

SIR:

I have the honor to transmit the enclosed preamble and resolutions, passed by the General Assembly of this State at its late session.

Very respectfully, Your ob't serv't,

JAMES C. JONES.

Resolutions of instructions, and request to our Senators, when Senators shall be elected, and Representatives in Congress, on the subject of the American Tobacco interest.

WHEREAS, In the opinion of this General Assembly that wisdom and sound policy require that the peculiar interests of all the laboring classes of society, but more especially the Agricultural industry and enterprise of the country should be protected and encouraged to the utmost practicable extent, by proper and judicious legislation: And whereas, the State of Tennessee is, and must continue to be, from the very nature of her soil and climate, Agricultural in her leading pursuits, and can alone look with strong hopes and confidence of success to her Agricultural resources, for the principal elements of social compact, individual wealth, and permanent prosperity: And whereas, her enterprizing and industrious population is becoming extensively engaged in the culture of Tobacco as the leading and most valuable of all her Agricultural staples: And whereas, this product of American growth, on entering the ports of almost every power or country to which it is exported, is subjected to unreasonable and enormous duties and restrictions, amounting in many of those countries almost to prohibitiontherefore,

1st. Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed (when Senators shall be elected,) and our Representatives requested to use their utmost influence and exertions for the adoption of such measures as in their opinion will result in relief to this great Agricultural interest of a large portion of the American people, by the speedy removal of existing restraints or the reduction of present high duties on American Tobacco entering foreign ports, to a fair revenue standard.

2d. Resolved, That in the opinion of the General Assembly, wisdom indicates a resort to negotiation as the first and best means of accomplishing this great and important object.

3d. Resolved, That should resort to diplomatic intercourse fail to secure the desired relief, in that event the General Assembly hereby instructs our Senators, when Senators shall be elected, and request our Representatives in the Congress of the United States, to resort to a system of countervailing duties, to be imposed on the luxuries imported from those foreign countries to which American Tobacco is sent, and in which it is subjected to the onerous duties so justly complained of: Provided, by the word luxuries is not meant either sugar, coffee or tea.

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onot 4th. Resolved, That should a resort to the system of countervailing duties here recommended, become necessary to accomplish the object in view, then and in that case it is the sense of this General Assembly that the Congress ought to reduce the existing duty on articles of comfort and necessity, not the product or manufacture of the United States, so that the aggregate amount of revenue collected from imports shall not exceed the wants of the Federal Government, when economically administered.

5th. Resolved, That a copy of the foregoing preamble and resolutions be communicated by the Governor of this State to each of our Senators and Representatives in Congress, and also to the Governors of Virginia, Maryland, Kentucky, Ohio, Indiana, Illinois, and Missouri, with a request that they be laid before their respective Legislatures at the earliest opportunity, and that said States be respectfully requested to co-operate with the State of Tennessee in the accomplishment of the object of the foregoing resolutions.

BURCHETT DOUGLASS,

Speaker of the House of Rep. SAM. TURNEY,

Speaker of the Senate.

Ordered, That said message be referred to the committee on Agriculture.

Resolved. That the Senate concur in the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the several acts establishing Common Schools.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Martin Fugate, late Sheriff of Pendleton county, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Bailey, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of William Beatty.

An act to divorce Catharine Pepper, and to change her name.

An act for the benefit of Emily Jackson.

An act to amend the law which provides for condemniug land for public purposes.

An act to establish two additional election precincts in the county of Carter, and for other purposes.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

An act concerning the Maysville and Mountsterling turnpike road, and to authorize the County Court of Kenton to convey certain lots of ground.

An act concerning runaway slaves.

An act enlarging the limits of the town of Bryantsville.

An act for the benefit of Dillard Hazlerigg and Almanzor Ward.

An act for the benefit of William R. McFerrin.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had adopted a resolution rescinding the resolution fixing a day for the final adjournment of the General Assembly.

That they had received official information that the Governor had approved and signed enrolled bills and resolutions which originated in that House of the following titles, viz:

An act for the benefit of John Hulme.

An act concerning the Town Marshals of Harrodsburg and Danville, and for other purposes.

An act for the benefit of the Clerks of the Garrard and Hart County and Circuit Courts.

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of Benjamin Wickersham.

An act for the benefit of Nicholas L. Oliver, late Sheriff of Henry county.

Approved February 25, 1842.

Resolutions in relation to amendments to the Constitution of the United States.

Approved February 25, 1842.

A bill to restore the privileges of the Banks when they resume specie payments, was referred to the committee of the whole.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration the said bill, to restore the privileges of the Banks when they resume specie payments, and had made an amendment thereto as a substitute, which he handed in at the Clerk's table.

Mr. McAfee moved to amend the said substitute by striking out the "first day of November," being the day when the Banks are required to resume specie payments, and inserting in lieu thereof the "first day of June next."

Mr. Payne moved the previous question; and the question being taken, shall the main question be now put? it was decided in the negative.

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The yeas and nays being required thereon by Messrs. McAfee and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Bailey, Clarke,

Clarke, Craddock, Dyer, Hanson, Hardin, Johnston, G. W. Loving, Palmer, Payne,

Sterett, Sympson, Walker, J. V. Williams, S. L. Young—16.

Those who voted in the negative, were-

Messrs. Burnett, Garth,

Garth, Griffith, Hughes, Huston, James, Jesup,
Johnson, B. B.
McAfee,
McElroy,
Morgan, J. S.
Pirtle,

Rice, Rodes, Wallace, Walker, C. J. Williams, M—17.

And then the Senate adjourned.

MONDAY, FEBRUARY 28, 1842.

A resolution from the House of Representatives rescinding the resolution fixing a day for the final adjournment of the General Assembly, was twice read.

The question being taken on concurring in the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McElroy and Slaughter, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,
Bailey,
Bennett,
Dyer,
Garth,
Hanson,
Huston,

Jesup,
Loving,
McAfee,
Morgan, J. S.
Palmer,
Payne,
Pirtle,

Pratt,
Rodes,
Slaughter,
Wallace,
Williams, M.
Williams, S. L.
Young—21.

Those who voted in the negative, were-

Messrs, Burnett,	James,	Sterett,
Craddock,	Johnson, B. B.	Sympson,
Griffith,	McElroy,	Walker, C. J.
Hardin,	Rice,	Walker, J. V-13.
Hughes		

A bill from the House of Representatives, entitled, an act for the benefit of L. B. Stoughton, was read the second time, and referred to the committee on Internal Improvement.

Mr. Young, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce and change of name of Amanda Skeeters, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto "and to divorce Jackson Howerton and wife."

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to allow an additional Constable to the counties of Oldham and Nelson, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading was dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as afore-

Mr. Craddock presented the remonstrance of Abney's heirs against the establishment of a ferry across Green river, on the lands of Andrew Barnett—which was received and referred to the committee on Internal Improvement.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to incorporate the Methodist Episcopal Church, in the city of Covington.

That they had passed bills of the following titles, to wit:

An act to re-establish the town of Portland.

An act for the benefit of the Northern Bank of Kentucky.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was referred to the committee on Propositions and Grievances, and the 2d to the committee on Banks.

Mr. Young, from the committee on Religion, reported a bill for the divorce of Jefferson A. Murray—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act concerning runaway slaves.

An act to establish two additional election precincts in the county of Carter, and for other purposes.

An act to divorce Catharine Pepper, and to change her name.

An act for the benefit of Emily Jackson.

An act for the benefit of William R. McFerrin.

An act for the benefit of William Beatty.

An act to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

An act concerning the Maysville and Mountsterling turnpike road, and to authorize the County Court of Kenton to convey certain lots of ground.

An act for the benefit of Dillard Hazelrigg and Almanzor Ward.

An act enlarging the limits of the town of Bryantsville.

An act to amend the law which provides for condemning land for public purposes.

Approved February 26, 1842.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill to amend the law establishing the Board of Internal Improvement, reported the same with an amendment. An amendment was offered to the said amendment.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows:

EXECUTIVE OFFICE, February 28, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Jacob Swigert, Thomas S. Theobald, Adam C. Keenon, and Albert G. Hodges, to be securities of James Davidson, Treasurer of the Commonwealth, for the present year.

R. P. LETCHER.

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Executive Office, February 28, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Eli Bozorth to be Major General of the 11th Division, in place of Tucker Woodson Ragsdale, resigned.

John G. Porter to be Brigadier General of the 2d Brigade, in place of Robert Criswell, resigned.

Micajah Bassham to be Brigadier General of the 23d Regiment, in place of Absalom Ashcraft, deceased.

B. T. Boswell to be Colonel of the 20th Regiment, in place of William Cogswell, resigned.

Daniel Shawhan to be Lieutenant Colonel of the 20th Regiment, in place B. T. Boswell, if promoted.

Isaac Ramez to be Major of the 20th regiment, in place of Daniel Shawhan, if promoted.

John P. Cooper to be Major of the 49th Regiment, in place of Ashford Woodward, promoted.

William Benton to be Colonel of the 78th Regiment, in place of James Stone, resigned.

Ebenezer Parks, to be Lieutenant Colonel of the 78th Regiment, in place of William Benton, if promoted.

Francis E. Stone to be Major of the 78th Regiment, in place of Ebenezer Parks, if promoted.

R. P. LETCHER.

Resolved, That the Senate approve of the said securities, and advise and consent to the said appointments.

An engrossed bill, entitled, an act further to define the crime of arson by a slave, was read the third time.

The question being taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Slaughter, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Morgan, J. S.
Bailey,	James,	Palmer,
Bennett,	Jesup,	Pirtle,
Burnett,	Johnson, B. B.	Rice,
Dyer,	Loving,	Rodes,
Garth,	McAfee,	Sympson,
Griffith,	McElroy,	Williams, S. L.
Hanson,	Morgan, D.	Young—25.
Hardin,	and a basel was to be	

Those who voted in the negative, were-

Messrs. Craddock,	Pratt,	* 4. 20 0	Walker, C. J.
Hughes,	Slaughter,		Walker, J. V.
Payne,	Sterett,		Williams, M-9.

T EB. 20.

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to appropriate the proceeds of the sales of the public lands to the payment of the States' debt for Internal Improvement, came up in the orders of the day.

The first section of the said bill reads as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the portion of the State of Kentucky of the proceeds of the sales of the Public Lands, under the act of Congress, approved September 4th, 1841, and entitled, "an act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption rights," shall be paid over to the Commissioners of the Sinking Fund of this State, who are hereby authorized to receive the same; and said proceeds are hereby set apart as a fund [to reduce the bonds of this Commonwealth sold for purposes of Internal Improvement; and said Commissioners are hereby authorized and required, from time to time, to apply said proceeds to the purchase and withdrawal, in the first place, of the six year bonds, and in the second place, of the bonds having a longer time to mature.]

Mr. James moved to amend the said section by striking out all after the word "fund," printed in italics, and inserting in lieu thereof, the following, to wit:

First, to redeem, at par value in Kentucky currency, the bonds of the State of Kentucky, held by the Bank of Kentucky, Northern Bank of Kentucky, and Bank of Louisville, which were received by said Banks in discharge of the debt due them for moneys loaned to the Board of Internal Improvement, to sustain the credit and faith of the State, each Bank to be paid in proportion to its amount so loaned, until the whole shall have been discharged; and then the said Commissioners shall apply the said proceeds to the purchase, at their market value, of any of the Internal Improvement bonds of the State.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The year and nays being required thereon by Messrs, McAfee and Alexander, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Craddock, Johnston, G. W. Pratt. Dyer, Loving, Rodes, Garth, McElroy, Sympson, Hanson, Morgan, D. Wallace, Huston, Morgan, J. S. Walker, J. V. James, Williams, S. L. Payne, Jesup, Young-22. Pirtle, Johnson, B. B.

Those who voted in the negative, were-

Messrs. Alexander, Hughes, Slaughter,
Bailey, McAfee, Sterett.
Burnett, Palmer, Williams, M—11.
Hardin, Rice,

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S. L.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The Senate resumed the consideration of a bill to regulate the 8th and 18th Judicial Districts.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the counties of Barren and Grayson be added to, and compose a part of the eighth Judicial District; and that the counties of Adair and Russell belong to and compose a part of the eighteenth Judicial District.

The question was then taken on engrossing and reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Young and Hardin, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Loving,	Williams,
Hughes,	McAfee,	Young-8
Tames	Sympson	

Those who voted in the negative, were-

Messrs. Burnett,	McElroy,	Rodes,
Dyer,	Morgan, D.	Slaughter,
Hanson,	Morgan, J. S.	Wallace,
Hardin,	Palmer,	Wakler, C. J.
Huston,	Pratt,	Walker, J. V.
Johnson, B. B.	Rice,	Williams, M—19.
Johnston G W		A. L. M. S. C. March &

The Senate resumed the consideration of a bill to restore the privileges of the Banks when they resume specie payments.

Mr. Huston moved to lay the said bill, and the amendment reported from the committee of the whole, on the table until the first day of June next.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and S. L. Williams, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Huston,	Pirtle,
Bailey,	Johnston, G. W.	Rodes,
Craddock,	Loving,	Walker, J. V.
Dyer,	Morgan, J. S.	Williams, S. L.
Griffith.	Payne	Voung-15

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Those who voted in the negative, were-

Messrs. Burnett,	Johnson, B. B.	Rice,
Garth,	McAfee,	Sterett,
Hanson,	McElroy,	Sympson,
Hardin,	Morgan, D.	Wallace,
Hughes,	Palmer,	Walker, C. J.
James,	Pratt,	Williams, M-19.
Jesup.	Carlo to the College Street, the Carlotte	

The question was then taken on the motion of Mr. McAfee, to amend the said amendment by striking out the "first day of November," and inserting in lieu thereof "the first day of June next," being the day when the Banks are to resume specie payments, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Hughes, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,	Johnson, B. B.	Sterett,
Garth,	McAfee,	Sympson,
Hardin,	McElroy,	Wallace,
Hughes,	Pratt,	Walker, C. J.
James,	Rice,	Williams, M-16.
Jesup.		

Those who voted in the negative, were-

Messrs. Alexander,	Johnston, G. W.	Pirtle.
Bailey,	Loving,	Rodes.
Craddock,	Morgan, D.	Slaughter,
Dyer,	Morgan, J. S.	Walker, J. V.
Griffith,	Palmer,	Williams, S. L.
Hanson,	Payne,	Young—19.
Huston		

The said bill is as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, shall be exonerated from any forfeiture of their charters, so soon as they shall respectively resume the payment of their notes in circulation, and their other liabilities, in gold and silver.

Sec. 2. It shall be the duty of the said Banks, on or before the 1st day of November, 1842, to resume the payment of their liabilities in gold and silver: *Provided*, That should the said Banks not resume the payment of specie on or before that day, then it shall be the duty of the Governor, within the next ninety days, to cause the Attorney General for the Commonwealth to sue out a *scire facias* against said Banks, to show cause why their charters shall not be forfeited.

Sec. 3. Be it further enacted, That all and every person, a citizen of this Commonwealth, shall be eligible, as President or Director of either of said Banks aforesaid, on the part of the State, who, when he qualifies, shall be

the owner of five shares of the capital stock of said Bank in which he is

about to qualify as President or Director.

SEC. 4. That it shall not be lawful for any President or Director of either of the said Banks or Branches, to borrow of said Banks, or be indebted to them, in which he is President or Director, individually, or in connexion with his partner in business, to a sum exceeding seven thousand dollars on accommodation paper, and the further sum of ten thousand dollars as the

discounter of business paper and bills of exchange.

SEC. 5. Be it further enacted, That the 14th section of an act to establish the Northern Bank of Kentucky, be so amended, that the President and Directors shall be authorized to increase the surplus contingent fund to any amount not exceeding ten per cent. on the capital paid in, but any surplus over and above the amount now required, may be reduced by dividends, when circumstances shall, in their opinion, require it: Provided, That the said Directors shall not have the power of increasing said contingent fund out of any balance of profits in their hands, unldss it be after they have declared a dividend of five per cent. for the preceding six months.

The amendment is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville to resume the payment of their notes in circulation, and their other liabilities, in gold and silver on or

before the first day of November, 1842.

Sec. 2. Be it further enacted, That should said Banks, or either of them, fail to resume the payment of their notes and liabilities in specie, as provided in the first section of this act, it shall be the duty of the Governor, within ninety days from and after the day designated in this act for the resumption of cash payments, to direct and require the Attorney General of the State of Kentucky to sue out a scire facias against said Bank or Banks, to show cause why their charters shall not be forfeited: Provided, if said Banks shall resume payment as required by this act, they shall, thereupon, be exonerated from any forfeiture of their charters.

Sec. 3. Be it further enacted, That it shall not be lawful for any President or Director of either of the said Banks or Branches to borrow of the Bank in which he is President or Director, or be indebted to it individually, or in connection with his partners in business, to a sum exceeding five thousand dollars on accommodation paper, and the further sum of five thousand dollars as the discounter of business paper or bills of exchange.

SEC. 4. Be it further enacted, That it shall not be lawful for said Banks or Branches to loan, on accommodation paper, to any one individual or firm,

a larger sum than five thousadd dollars.

SEC. 5. Be it further enacted, That, hereafter, it shall not be lawful for the rate of exchange to be greater at any of the Branches of said Banks than what is charged by the Mother Banks, any usage or custom to the con-

trary notwithstanding.

SEC. 6. Be it further enacted, That all and every person, a citizen of this Commonwealth, shall be eligible, as President or Director of either of said Banks aforesaid, on the part of the State, who, when he qualifies, shall be the owner of five shares of capital stock of said Bank in which he is about to qualify as President or Director.

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Sec. 7. Be it further enacted, That the I4th section of an act to establish the Northern Bank of Kentucky, be so amended, that the President and Directors shall be authorized to increase the surplus contingent fund to any amount not exceeding ten per cent. on the capital paid in, but any surplus over and above the amount now required, may be reduced by dividends, when circumstances shall, in their opinion, require it: Provided, That the said Directors shall not have the power of increasing said contingent fund out of any balance of profits in their hands, unless it be after they have declared a dividend of four per cent. for the preceding six months.

The question being taken on the adoption of the said amendment, as a substitute for the said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Sterett, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,	James,	Sterett,
Garth,	Jesup,	Sympson,
Hanson,	Johnson, B. B.	- Wallace,
Hardin,	McAfee,	Walker, C. J.
Hughes,	McElroy,	Williams, M-15.

Those who voted in the negative, were-

Messrs. Alexander,	Johnston, G. W.	Pirtle,
Bailey,	Loving,	Rodes.
Craddock,	Morgan, D.	Slaughter,
Dyer,	Morgan, J.S.	Walker, J. V.
Griffith,	Palmer,	Williams, S. L.
Huston,	Payne,	Young-18.

Mr. Huston moved a preamble and resolutions as a substitute for the said bill.

Mr. Bailey, from the joint committee of Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act to incorporate the Mount Washington Academy. An act to incorporate the Lagrange Library Association.

An act to regulate the terms of the courts of the 9th Judicial District, and for other purposes.

An act for the benefit of the widow and heirs of March Hinkle, dec'd.

An act for the benefit of Eliza Wilson Newton.

An act for the divorce of Catharine Blair.

An act to change the dividing line between the counties of Oldham and Trimble, and for other purposes.

An act for the divorce of Matilda Wood and Margaret Long. An act for the divorce of Adella Noel.

An act for the divorce of Mary O. Knight.

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An act for the divorce of Ann Creighton.

An act for the benefit of the widow and heirs of James Beasley, deceased, and the infant children of Claiborn Chandler.

An act for the benefit of the Jailors of certain counties.

An act for the benefit of Peter Dupauw.

An act to change the place of voting in the Forman's Bottom election precinct in the county of Lewis.

An act to change the terms of certain Circuit Courts in the 17th Judical District.

An act for the benefit of Thompson N. Stratton.

An act for the benefit of the citizens of Lawrence county, and for other purposes.

An act to change the time of holding the Rockcastle Circuit Court.

An act for the benefit of Martin Fugate, late Sheriff of Pendleton county.

An act extending the limits of the town of Florence, in Boone county. An act to establish a town at Ruddle's mills, and to limit the elections to

one day, in certain counties. A resolution in relation to the removal of the Steamboat New Argo.

The said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee were directed to lay the said bills before the Governor for his approbation and signature. After a short time Mr. Bailey reported that the committee had performed that duty.

On the motion of Mr. Craddock, leave was given to bring in a bill to alter the time of the annual meeting of the General Assembly; and Messrs. Craddock, Sterett and Hardin were appointed a committee to prepare and bring in the same.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent the following named persons as Attorneys for the Commonwealth, in the Judicial Districts annexed to their respective names:

For the eighth District, Zachariah Wheat.

For the eighteenth District, William R. McFerrin.

R. P. LETCHER.

February 28, 1842.

Resolved, That the Senate advise and consent to the said appointments. And then the Senate adjourned.

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TUESDAY, MARCH 1, 1842.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills and a resolution which originated in that House of the following titles, viz:

An act for the benefit of the widow and heirs of James Beasley, deceased, and the infant children of Claiborn Chandler.

An act to change the place of voting in the Forman's Bottom election precinct in the county of Lewis.

An act to change the terms of certain Circuit Courts in the 17th Judical District.

An act extending the limits of the town of Florence, in Boone county.

An act to establish a town at Ruddle's mills, and to limit the elections to one day, in certain counties.

An act to change the time of holding the Rockcastle Circuit Court.

An act for the benefit of Martin Fugate, late Sheriff of Pendleton county.

An act to regulate the terms of the courts of the 9th Judicial District, and for other purposes.

An act for the benefit of the widow and heirs of March Hinkle, dec'd.

An act for the divorce of Catharine Blair.

An act to change the dividing line between the counties of Oldham and Trimble, and for other purposes.

An act for the benefit of the citizens of Lawrence county, and for other purposes.

An act authorizing the County Court of Campbell to dispose of certain property.

An act for the benefit of Peter Dupauw.

An act for the benefit of the Jailors of certain counties.

An act to incorporate the Lagrange Library Association.

An act for the divorce of Mary O. Knight.

An act for the divorce of Matilda Wood and Margaret Long.

An act for the benefit of Eliza Wilson Newton.

An act for the divorce of Adella Noel.

An act for the divorce of Ann Creighton.

An act to incorporate the Mount Washington Academy.

A resolution in relation to the removal of the Steamboat New Argo.

Approved February 28, 1842.

An act to reduce into one, and digest and amend the acts and amendatory acts incorporating the city of Lexington.

Approved February 25, 1842.

That they had passed bills from the Senate of the following titles, viz: An act more effectually to protect the right of suffrage.

An act for the benefit of Polly Greenbee and her four youngest children. An act concerning the Register of the Land Office.

An act for the benefit of William Quisenbery.

That they had passed bills of the following titles, to wit:

- I. An act to change the name of the Boone Academy, and for other purposes.
- 2. An act to amend an act further to regulate the Shelby and Franklin turnpike, and for other purposes.
 - 3. An act for the benefit of William B. Moore.
 - 4. An act for the benefit of S. Camron and others.
- 5. An act to repeal all laws providing for the appointment of Constables in Henry county, and for other purposes.
 - 6. An act to establish the county of Letcher.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st and 5th were referred to the committee on the Judiciary; the 3d to the committee on Finance; the 4th to the committee on Military Affairs; the 6th to the committee on Propositions and Grievances, and the 2d was ordered to be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, viz:

- 1. An act for the benefit of William P. C. Caldwell, of Caldwell county.
- 2. An act for the benefit of L. B. Stoughton.
- 3. An act allowing compensation to the Green and Barren river Commissioners.
- 4. An act for the benefit of the Contractors on the Crab Orchard and Cumberland Gap turnpike road.

Reported the same without amendment.

The 2d and 4th bills were placed in the orders of the day; the 1st was ordered to be read a third time, and the 3d was laid on the table.

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The constitutional rule as to the third reading of the 1st bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. J. S. Morgan, from the same committee, to whom was referred preamble and resolutions from the House of Representatives in relation to the navigation of the western rivers, reported the same without amendment.

Resolved, That the said preamble and resolutions be concurred in.

Mr. J. S. Morgan, from the same committee, reported a resolution as to tolls on turnpike roads, which is as follows, viz:

Resolved by the Senate and House of Representatives, That the Public Printer be directed, as early as practicable, to print 300 copies of the act of the present General Assembly, regulating the tolls on the turnpike roads; and also 300 copies of the rates of toll, in hand bill form, upon suitable paper, to be hung up at the toll gates, and lodge the same with the Secretary of State, to be distributed by him to the several turnpike road companies in this Commonwealth in which the State has an interest.

The said resolution was twice read and concurred in.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Basil Prather to be Sheriff of Mercer county, for the unexpired term of Samuel Ewing, whose office is vacated by his residence in the county of Boyle.

Gabriel Rice to be Notary Public for the county of Boyle, and John W. Cardwell to be Notary Public for the county of Mercer.

R. P. LETCHER.

March 1, 1842.

Resolved, That the Senate advise and consent to the said appointments.

Mr. G. W. Johnston, from the committee on Finance, to whom was referred the petition of sundry citizens, praying for an allowance to Nancy Williams, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. G. W. Johnston, from the same committee, to whom was referred a bill authorizing the Second Auditor to have the land sold that may be forfeited to the Commonwealth of Kentucky, for the non-payment of the taxes, interest and costs due thereon, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-

said.

Mr. G. W. Johnston, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act for the benefit of William Newton, late Sheriff of Daviess county.

An act for the benefit of John McDonald.

An act for the benefit of Francis Graves.

An act for the benefit of Thomas J. Nolen.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of the Moscow Seminary, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the committee on Military affairs, to whom was referred the nomination of James Hackett to be Colonel of the 22d Regiment, and William A. Gorham to be Lieutenant Colonel of the 22d Regiment, reported the same with the opinion of the committee that the said appointments ought to be advised and consented to.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jacob Rizer and others, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

On the motion of Mr. Wallace, the said vote was re-considered, and the said bill was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill do pass, and that the title thereof be as aforeaid.

Mr. Jesup, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Versailles Artillery Company, and for other purposes.

An act for the benefit of the 15th Regiment of Kentucky Militia.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Jesup, from the same committee, reported a bill to amend the Militia Law—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, an amendment was offered to said bill.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

The Senate resumed the consideration of a bill to restore the privileges of the Banks when they resume specie payments.

The preamble and resolutions, moved by Mr. Huston, were amended to read as follows, viz:

Whereas, it is ascertained to the satisfaction of this General Assembly, by the faithful examination and report of the joint committee on Banks, that the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, are prepared to resume the payment of all their liabilities in specie, at any moment, whenever the financial condition of the country shall seem to warrant such a measure, and fully able to maintain those payments under the most adverse circumstances likely to occur, even in the present deranged condition of the currency and trade of the country; and that the managers of those institutions have governed their affairs with great prudence and ability, having had due regard for the interests of the country, as well as of the stockholders, and having placed the Banks in a position of strength which would seem, under any ordinary circumstances, to be wholly impregnable.

The amount of their resources immediately available for the discharge of their liabilities, (including Bills of Exchange, maturing in the course of the next 120 days, to the amount of \$3,729,298,) being the sum of \$6,891,190; and the amount of their liabilities of all kinds, payable on demand, being only the sum of \$5,031,940, showing an excess of cash means, after discharging all their liabilities, payable on demand, of \$1,859,250. It may be objected, that many of these Bills of Exchange, estimated as above, among the cash means of the Banks, will be returned unpaid, and this, no doubt, will prove to be true, as to some of them; but it may be replied on

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the other hand, that it is not necessary that one half of them should be paid, to enable the Banks to discharge all their debts within the time specified, and that there are four and a half millions of discounted notes held by the Banks, maturing in the same period, which would, under any circumstances, contribute a large sum towards the payment of the liabilities of the Banks.

It thus appears, that there cannot be any reasonable doubt, that our Banks are ready at any moment to resume specie payments, and that they are perfectly able to maintain such payments, until they shall have discharged every dollar of debt which they owe. Whilst this condition of the Banks is highly creditable to them and their several Directories, it is very gratifying to this General Assembly, and doubtless to the people of the State.

It is moreover undoubtedly true, in the opinion of this General Assembly, that the present Banks of Kentucky have, at all times, maintained themselves in a sound condition, able to discharge their current liabilities in coin, and that they would have continued to do so, but for the great commercial disasters which have befallen the country in the last few years. At the period of the first suspension in May, 1837, the condition of our Banks was certainly that of soundness and strength, and the same may be said of them with equal truth at the time of every examination into their affairs, from that day to the present. The act of suspension proceeded, not from necessity growing out of their expanded circulation, nor from any other species of mismanagement, but from a deliberate and well founded conviction of the evils which would ensue, from an opposite policy, not only to the Banks themselves, but to the people of the State at large.

However that act may have been viewed in different lights at the time, there can certainly, it is thought, be but one opinion now, as to the very beneficial and happy influence which it has exerted on the vital interests

of the country.

Suppose the Kentucky Banks had continued to pay specie from May 1837, the date of the first suspension, up to the present time, what would have been the condition, not of our Banks only, but of our people, and our public credit? All these would have been prostrated. In the process of redeeming their circulation, which would all soon have been returned upon them, the Banks would have been stripped of their gold and silver, and would have been left to linger out a discreditable and unprofitable existence, whilst the people, overwhelmed with a mountain of debt, and without a circulating medium of any kind or description, might have struggled on through their difficulties, as best they could, or, paralized by the blow, have sunk into hopeless despondency; general bankruptcy and ruin would, in all probability, have been the result. By pursuing an opposite line of policy, the public credit has been preserved, the Banks have realized a fair profit on the amount of their stock, thus strengthening very materially, the fiscal resources of the State; and the people have had the benefit of a circulating medium, in most cases, equal in value to specie, in all cases approximating very nearly to that value; in general, sufficiently abundant for all prudent uses of the community, and enabling them to convert their labor and property into money, by which means a very large amount of debt has been liquidated and paid without those enormous sacrifices which would have been unavoidable under different circumstances.

In consideration whereof-

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, are now able to resume the payment of all their liabilities in specie, and to discharge all their debts in lawful money of the United States, as fast as they can be presented for payment, but that such a measure, at this time, would most probably injure the Banks and greatly aggravate the present pecuniary embarrassments of the people.

2. Resolved, That the Banks have at all times maintained themselves in a condition to resume or continue specie payments, under ordinary circumstances, whilst the financial condition of the country justified such a course; and that the withdrawal from circulation of one million of dollars of their paper within the last twelve months, whilst it was justified by the threatened compulsory resumption which was expected to be enforced upon them, has yet had the effect greatly to increase the existing embarrassment and pressure in the country.

3. Resolved, That the said Banks ought now, as soon as practicable, to restore to the circulating medium the amount so withdrawn, by loans in small sums to good and punctual persons, taking care to distribute such loans well among all classes of the community, and to all sections of the

State, and especially to the agricultural portion.

4. Resolved, That the said Banks ought not to enlarge their circulation beyond the additional sun of one million of dollars, and that they shall at all times maintain themselves in a condition to resume specie payments whenever the Banks in the south and west, generally considered sound, shall resume.

5. Resolved, That so soon as a number of the Banks in the western and south western States shall have resumed specie payments sufficient to cause the actual currency of those States to consist of the paper of specie paying Banks, it shall be the duty of the Governor to notify the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, that unless they resume the payment of all their liabilities in gold or silver within sixty days from the date of such notice, he will cause a scire facias to be issued, requiring them to show cause why their charters should not be forfeited, and the Governor is hereby authorized so to do.

6. Resolved, That no President or Director of either of said Banks or Branches, of which he is President or Director, shall borrow more, or be indebted to them individually, or in connection with his partners in business, to a sum exceeding five thousand dollars on accommodation paper, and the further sum of five thousand dollars as the discounter of business paper or

Bills of Exchange.

7. Resolved, That said Banks shall not loan to any individual or firm, on

accommodation, a larger sum than five thousand dollars.

S. Resolved, That it is the decided opinion of the Legislature, that it is the duty of the Banks, in their future issues, to extend their accommodations by means of discounts, instead of Bills of Exchange, which has been too much the practice of late.

The question being taken on the adoption of the said preamble and resolutions as a substitute for the said bill, it was decided in the affirmative.

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idaınaThe yeas and nays being required thereon by Messrs. McAfee and Huston, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Johnston, G. W.	Pratt,
Bailey,	Loving,	Rodes,
Bennett,	Morgan, D.	Slaughter,
Craddock,	Morgan, J. S.	Walker, J. V.
Dyer,	Palmer,	Williams, S. L.
Griffith,	Payne,	Young-20.
Huston	Pirtle	

Those who voted in the negative, were-

Messrs. Burnett,	Jesup,	Sterett,
Garth,	Johnson, B. B.	Sympson,
Hanson,	McAfee,	Wallace,
Hardin,	McElroy,	Walker, C. J.
Hughes,	Rice,	Williams, M-16.
Tamor		

The question was then taken on the adoption of the said preamble and resolutions, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs, Hardin and Rice, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Johnston, G. W.	Pratt,
Bailey,	Loving,	Rodes,
Bennett,	Morgan, D.	Slaughter,
Craddock,	Morgan, J. S.	Walker, J. V.
Dyer,	Palmer,	Williams, S. L.
Griffith,	Payne,	Young-20.
Huston,	Pirtle,	

Those who voted in the negative, were-

Messrs. Burnett,	Jesup,	Sterett,
Garth,	Johnson, B. B.	Sympson,
Hanson,	McAfee,	Wallace,
Hardin,	McElroy,	Walker, C. J.
Hughes,	Rice,	Williams, M-16.
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A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Philip Emmet to be Major General of the 9th Division, in place of H. D. Emerson, removed to the State of Tennessee.

I respectfully ask leave to withdraw the nomination of William P. Hockersmith as Major of the 22d Regiment.

R. P. LETCHER.

March 1, 1842.

Resolved, That the Senate advise and consent to the said appointment, and that leave be given to withdraw the said nomination.

Mr. Pirtle, from the committee on Federal Relations, to whom was referred preamble and resolutions from the House of Representatives in relation to the establishment of an Armory in the west, reported the same without amendment.

Resolved, That the said preamble and resolutions be concurred in.

The following bills were reported, to wit:

By Mr. James—A bill to amend an act, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial District.

By Mr. Pirtle—A bill authorizing the exchange of thirty year State bonds for six year State Bonds.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from a select committee, made the following report, viz:

The select committee to whom was referred the memorial of H. J. Eastin, beg leave to make the following report:

The committee is of opinion, that the dismissal of H. J. Eastin only involves the charges of corruption or incompetency. In the investigation, no evidence of the first charge was adduced, nor was such charge urged by the Board of Internal Improvement, but on the other hand was distinctly disclaimed.

Of the second charge, the whole evidence goes to show rather a difference of opinion between the Engineers, than incompetency on the part of any concerned; and although the Board had an unquestionable right to dismiss Mr. Eastin, the committee do not think the difference of opinion among the Resident Engineers on the Green River navigation, involving discrepancies in estimates on the whole work to the amount of some \$24,000, should operate to the disparagement of either of those Engineers as professional men.—All which we respectfully submit.

MARK E. HUSTON, Chairman.
R. C. PALMER,
DILLIS DYER,
JAMES N. HUGHES,
DANIEL MORGAN.

The said committee was discharged from the further consideration of the said memorial.

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dente of Mr. Huston, from the same committee, made the following report, viz:

The select committee to whom were referred the memorials of M. R. Stealey and S. Welch, Engineers, beg leave to make the following report:

In relation to the memorial of M. R. Stealey, your committee, in the hurry of Legislative business, have had but a few hours to devote to the investigation; but one point in the memorial has been investigated, and that not a material one.

The investigation was not completed, and consequently your committee have come to no conclusion on the subject. Your committee do not think that sufficient time can be had at this advanced period of the session, to go fully into the examination of Mr. Stealey's memorial or that of Mr. Welch, and therefore, without expressing any opinion relative to either, they desire to be discharged from any further consideration of the same.—All which we respectfully submit.

MARK E. HUSTON, Chirman.
R. C. PALMER,
DILLIS DYER,
JAMES N. HUGHES,
DANIEL MORGAN.

The said committee was, thereupon, discharged.

Mr. James, from the committee on Public Buildings, made the following report:

The committee on Public Buildings, to whom was referred the report of the Commissioners appointed to let additional rooms for the use of the Auditors of Public Accounts, report:

That his Excellency, Governor Letcher, in his annual message to the Legislature, December session, 1840, called their attention to the inconvenience under which the Auditor and Second Auditor were laboring in consequence of the smallness and inconvenience of the room then occupied by them as an office, and recommended an appropriation for the purpose of constructing additional rooms for their use.

The committee to whom that portion of the message was referred, caused several plans and estimates to be made, from which they selected one for three rooms of the following dimensions, &c. viz: For the use of the Auditor, one room of 20 by 22 feet, and for the Second Auditor, one of 19 by 29 feet, and one of 16 by 29 feet, and for two passages of 6 by 29 feet each. The cost of the above named rooms and passages was estimated at \$3,998, which estimate, (having been made by one of the most experienced workmen in Frankfort,) was approved by the committee, who recommended that the sum of \$4,000 be appropriated for the construction of said additional rooms, and that Thomas N. Lindsey, Philip Swigert and John C. Herndon be appointed Commissioners to let, and superintend said work, which recommendations were subsequently adopted by the Legislature.

Immediately after the adjournment of the Legislature, the Commissioners advertised for bids for the construction of said additional rooms, and on the ——day of March, 1841, let the same to James F. Dryden, he being the lowest bidder, for the sum of \$1,999. In the construction of the work, some slight additions were required, and heavier copper was used for the gutters than was required by the specifications; for which work and additional weight of copper, Mr. Dryden was allowed the sum of \$36, making the

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whole amount \$2,035. It will be perceived by the above, that the work was let for a much smaller sum than the estimates made for the committee. This discrepancy is mainly owing to the manner in which the work was let, and to the contract and specifications being so definite as to preclude the possibility of the Contractors making any charge for extra work.

It was not contemplated by the act authorizing the construction of the work, to include shelving, counters, or the repairs necessary to be done the old part of the office. They were afterwards done under an act of General Assembly authorizing the necessary repairs to the public building

The whole cost of the addition for Auditors, is as follows, viz:

For brick work, carpenters work, plastering, painting, locks, hinges, stone work, and other necessary work to complete buildings,
Additional work allowed by Commissioners,
Shelves, counters and painting same, not contemplated by the act authorizing the construction of work,

Making total cost of work done,

2,402 64

Leaving an unexpended balance of the \$4,000 appropriated, of \$1,597 36

The above statement leaves no doubt on the minds of the committee, but that the work was let for a much smaller sum than under the ordinary mode of letting work, could have been hoped for. And they would add, that though the work is perfectly plain, it is done in the most substantial manner.

The committee have also examined into the condition of the roof of the State house, and find, that owing to the defective manner in which the copper was originally put on, that part of the roof is in very bad order, and will require re-laying during the present season; but no Legislative action will be necessary on the subject, as the keeper of the State house, by and with the advice and consent of the Governor, has ample power to cause any repairs to be made that may be necessary—(see Morehead and Brown's Digest, vol. 1, p. 273,) and has already caused part of said copper to be laid in a very substantial and durable manner.

In conclusion, the committee state, that the Commissioners appointed to construct Auditors' office, employed James S. Evans to draft and superintend the construction of said work, and as the act did not authorize them to employ such Superintendence, they ask an appropriation of fifty dollars, which sum the committee would recommend be allowed him in the general appropriation bill.——All which is respectfully submitted.

THOMAS JAMES, Chairman.

The preamble and resolution in relation to the encouragement of domestic manufactures, read and laid on the table by Mr. Bennett, were taken up, twice read and adopted:

The message from the Governor nominating James Robertson to be Register of the Land Office, was taken up.

Resolved, That the Senate advise and consent to the said appointment.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to wit:

1. An act to repeal the 4th section of an act to provide for the improvenent of the road from Franklin county to the Crab Orchard, in Lincoln bunty.

2. An act for the benefit of the heirs of William Guyton, deceased.

3. An act for the divorce and change of name of Elizabeth Pryor.

An act to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens.

Which bills were severally read the first time, and ordered to be read a

second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Internal Improvement; the 2d to the committee on the Judiciary, and the 3d and 4th to the committee on Religion.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of Polly Greenbee and her four youngest children.

An act to amend the several acts establishing Common Schools.

An act to incorporate the Methodist Episcopal Church in the city of Covington.

An act more effectually to protect the right of suffrage.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act to regulate the

prices of the Public Printing, was taken up.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the Public Printer or Printers, shall be entitled to receive for the Public Printing, exclusive of paper, the following prices, viz: For composition of those parts of the Journals, Acts, and other book or pamphlet work which are plain and not ruled or figured, per one thousand ems, fifty cents. For composition of rule and figure work per one thousand ems, one dollar. For executing a token of paper at press (of royal size) in all and every instance when the page contains seventeen hundred ems or more, seventy five cents. For plain blanks per quire, fifty cents. For ruled blanks per quire, one dollar and twenty five cents. For advertising list of non-resident's lands per tract, twenty five cents. For folding and stitching one hundred copies of the Laws or Journals, four dollars. For all other job work, it is not in any instance to exceed the bill of prices now established by the Printers in Frankfort; and the accounts of the Public Printer shall be drawn up in an explicit and intelligible manner.

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Mr. James moved to amend the said bill by inserting after the words "fifty cents," printed in italics, the following, viz:

"For all rule or figure work, whether in the body of the Journals, Reports or Legislative Documents, or on insets or tables of any kind, per 1000 ems, seventy five cents—all matter in which two or more rules are inserted, to constitute rule work, and two or more column of figures to constitute figure work."

Mr. Payne moved the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative. The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. James and S. L. Williams, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Johnston, G. W.	Pirtle,
Dyer,	Loving,	Rodes.
Griffith,	Morgan, D.	Walker, C. J.
Hanson,	Palmer,	Walker, J. V.
Huston,	Payne,	Williams, S. L-15

Those who voted in the negative, were-

Messrs. Alexander,	Hughes,	Pratt,
Burnett,	James,	Sterett,
Craddock,	Johnson, B. B.	Sympson,
Garth,	McAfee,	Wallace,
Hardin.	McElrov	Williams M 15

The question was then taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and James, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Johnston, G. W.	Pratt.
Bailey,	Loving,	Rodes,
Dyer,	Morgan, D.	Sterett,
Griffith,	Morgan, J. S.	Walker, C. J.
Hanson,	Palmer,	Walker, J. V.
Hardin,	Payne,	Williams, S. L.
Huston,	Pirtle,	Young-21.

Those who voted in the negative, were-

McAfee, McElroy,	Wallace, Williams, M—11.
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The constitutional rule as to the third reading being dispensed with, Mr. Sterett moved to lay the said bill on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Sterett were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,	Johnson, B. B.	Sterett,
Craddock,	McAfee,	Sympson,
Garth.	McElroy,	Wallace,
Hughes,	Pratt,	Williams, M-14.
James,	Slaughter,	

Those who voted in the negative, were-

Messrs. Alexander,	Morgan, D.	Rodes,
Bailey,	Morgan, J. S.	Walker, C. J.
Hanson,	Palmer,	Walker, J. V.
Huston,	Payne,	Williams, S. L.
Johnston, G. W.	Pirtle,	Young—16.
Loving		

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Alexander, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Loving,	Rodes,
Bailey,	Morgan, D.	- Slaughter,
Dyer,	Morgan, J.S.	Sterett,
Hanson,	Palmer,	Walker, C. J.
Huston,	Payne,	Walker, J. V.
Jesup,	Pirtle,	Williams, S. L.
Johnston, G. W.	Pratt,	Young—21.

Those who voted in the negative, were-

Messrs. Burnett.	James,	Sympson,
Craddock,	Johnson, B. B.	Wallace,
Garth,	McAfee,	Williams, M—II.
Hughes,	McElroy,	LEAN THE PROPERTY OF THE

Resolved, That the title of the said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State. It is as follows, viz:

Gentlemen of the Senate and House of Representatives:

By the request of the Governor of Tennessee, I transmit herewith, preamble and resolutions, adopted by the Legislature of that State, "in favor of 1.

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the admission of Texas into the Union, with equal rights and upon an equal footing with the sovereign States of these United States."

R. P. LETCHER.

March 1, 1842.

COMMONWEALTH OF TENNESSEE.

EXECUTIVE DEPARTMENT,

Nashville, February 15, 1842.

· SIR:

I have the honor to transmit the enclosed preamble and resolutions, passed by the General Assembly of this State at its late session.

Very respectfully, Your ob't serv't,

JAMES C. JONES.

Preamble and resolutions in favor of the admission of Texas into the Union with equal rights and upon an equal footing with the sovereign States of these United States of America.

WHEREAS, the people of Texas have evinced an unconqurable love of Liberty, by their Spartan firmness in the Alamo, and their heroic conduct at San Jacinto: and, whereas, the same people have proved their capacity for self Government, by the adoption of their free and republican Constitution and Laws—

Be it therefore resolved by the General Assembly of the State of Tennessee, That our Representatives in Congress, be requested to use every exertion in their power to procure the admission of Texas into the Union with equal rights and upon an equal footing with the sovereign States of these United States of America.

Resolved, That the Governor of Tennessee, the Speaker of the Senate and the Speaker of the House of Representatives, in behalf of their respective Houses, be requested to subscribe these resolutions; and that his Excellency, the Governor, be requested to forward a copy to the Governor of each of the States and Territories of the Union, and a copy to the President of Texas.

Resolved, That this General Assembly approve of the joint resolutions, unanimously adopted by the Legislature of Alabama at its late session, on this subject, and transmitted to this General Assembly, through his Excellency, the Governor.

SAM. TURNEY,

Speaker of the Senate.

Adopted February 7th, 1842.

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The following bills were laid on the table, viz:

A bill concerning Justices of the Peace.

A bill to regulate the rate of conventional interest.

A bill to amend the law in relation to the assignment of notes, &c.

A bill prohibiting the sale of personal property under execution, unless the same will bring two thirds of its value.

The yeas and nays being required on laying the last named bill on the table, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander,	Johnson, B. B.	Pratt,
Bailey,	Johnston, G. W.	Rodes,
Burnett,	Loving,	Sterett.
Dyer,	McAfee,	Walker, C. J.
Griffith,	McElroy,	Walker, J. V.
Hanson,	Payne,	Williams, S. L.
Hardin,	Pirtle,	Young—22.
Jesup,		

Those who voted in the negative, were-

Messrs. Craddock,	James,	Slaughter,
Garth,	Morgan, D.	Sympson,
Hughes,	Morgan, J. S.	Wallace,
Huston,	Palmer,	Williams, M—12.

And then the Senate adjourned.

WEDNESDAY, MARCH 2, 1842.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to regulate the town of Cadiz.

That they had passed a bill, entitled, an act for the appropriation of money—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Finance.

Mr. B. B. Johnson, having obtained leave, reported a bill concerning the town of Frankfort—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. Pirtle, from the committee on Federal Relations, made the following report, viz:

The committee on Federal Relations, to whom was referred a preamble and resolutions of the General Assembly of South Carolina, and also an act of that General Assembly, entitled, "an act to prevent the citizens of New York from carrying slaves, or persons held to service out of this State, and to prevent the escape of persons charged with the commission of any crime,"

have had the same under consideration, and report:

That, in the year 1839, three persons of color, living in New York and trading to Virginia, were charged with a violation of the criminal law of that State, in having feloniously abducted from Virginia a slave, which they carried with them in their vessel to New York. The slave was afterwards reclaimed. The Executive of Virginia made a regular and formal demand of the persons charged with the felony, of the Executive of New York, in pursuance of the Constitution of the United States and the act of Congress on that subject. This demand was refused by the Governor of New York, because, among other grounds urged by him equally untenable, the laws of New York did not recognize property in a negro, and it could not be felony

by the laws of that State, to abduct such a person.

On the 6th day of May, 1840, the Legislature of New York passed an act, entitled, "an act to extend the trial by jury." This act gives to a fugitive from service or labor in another State, the right to have every fact which shall entitle his master to reclaim him, tried by a jury, and puts the master under a great many oppressive restrictions in his efforts to recover his slave. He must, for instance, enter into a bond to the people of New York in the penal sum of one thousand dollars, with two sureties, inhabitants and free holders of that State, conditioned to pay all costs and expenses that may accrue in the prosecution of the writ, legally chargeable to him; and also to pay, weekly, the sum of two dollars to the person having the fugitive in his custody, for his support; and to pay all costs and expenses of the proceedings if he fail, including those to which the fugitive might have been subjected, and, in addition, to pay to the alleged fugitive one hundred dollars, and all damages he may sustain. The trial is final, except that the Supreme Court may set the verdict aside only as that court may set aside verdicts in criminal cases. Heavy penalties are inflicted for attempting to molest the fugitive a second time; and any Judge, or other officer, who shall grant a certificate for the removal of a fugitive, otherwise than in pursuance of that act, is deemed guilty of a misdemeanor, and liable to punishment. Any person forcibly attempting to remove a fugitive without such a trial, is liable to a fine of five hundred dollars, and imprisonment in the Penitentiary for ten years. At the time of the passage of this act, Virginia was urging upon New York the right which she had, under the Constitution, to have the colored persons, accused of a violation of her penal laws, delivered up. In March, immediately prior to this, Virginia adopted a preamble and resolutions on the subject of the refusal of the Governor of New York to yield to her demand of the persons charged with the crime of abduction, which were addressed to the several States. In the preamble is this paragraph:

"The subject which your committee [the committee in the Virginia Le-"gislature] have had under consideration, is one in which all of the slavehold-

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"ing States are equally interested with Virginia. Your committee therefore "recommend that the Governor of this State be requested to open a corres- "pondence with the Executive of each of these States, informing them of the importance which Virginia attaches to this subject, and communicating our proceedings in relation to it, and asking their co-operation in all proper

"measures of redress, which, in the event that New York shall decline to do us justice, we may be called upon to adopt." And the 4th resolution adopted says,

"Resolved, That the Governor of Virginia be requested to open a correspondence with the Executive of each of the slaveholding States, requesting their co-operation in any necessary and proper measures of redress
which Virginia may be forced to adopt."

Subsequent to the passage of the act beforementioned by New York, Virginia passed an act requiring all vessels, owned in whole or in part, by any citizen or resident of New York, commanded by any person not a citizen of that State, (Virginia) to be inspected, to see if any slave should be on board, before such vessels should be allowed to depart from any port of Virginia, and inflicting penalties for a departure without a certificate of inspection; requiring all such vessels, no matter from what port they should come, to be taken possession of by the Inspector, and held till a bond with surety should be given in one thousand dollars, to abide by the provisions of the act, &c., or if the master should be unable to give the bond, then the papers of the vessel to be held until he should make affidavit that he would comply with the law, &c.; and on failure to comply, the vessel to be held till she should be about to depart, at a per diem, to be paid to the officer, of three dollars, while so held; and every person piloting such a vessel out of port, without a certificate of inspection, to be fined heavily, and imprisoned if the fine be not paid. For every inspection under said act, a fee of ten dollars, to be paid by the master, and the officer to seize and hold the vessel till paid, with all charges for taking care of the vessel, as well as enforcing the payment. The act to be suspended when the Governor should be informed that the Executive of New York had bona fide consented to comply with the demand of the Executive of Virginia for the surrender of the fugitives aforesaid, and be satisfied that the law of New York, passed the 6th of May, 1840, had been repealed.

In compliance with the invitation of Virginia to the slaveholding States to co-operate with her in her measures of redress, South Carolina, on the 17th day of December last, passed the act of Virginia, verbatim, after having given Virginia, by resolutions, "the assurance of the hearty co-operation of South Carolina, in all proper measures, to vindicate her rights as a State,

and to protect the property of her citizens."

The committee cannot too strongly protest against the conduct of the Executive of New York in having refused to deliver up the fugitives from justice demanded by the Executive of Virginia. They have seen no reasoning, on the part of the Governor of New York, that can afford any palliation of such disobedience to the injunctions of the Constitution of the United States. That the State of New York did not recognize by her laws, the taking away of slaves to be an offence criminal in its nature, does not bear at all upon the question of duty, on her part, to surrender the persons accused in Virginia. By the laws of Virginia the offence charged was a fel.

ony. She was the rightful judge, and of necessity the only judge, of the offence and quality or degree of the offence, against the property of her citizens in her own territory. Negroes are property recognized by the Constitution of the United States; and the citizens of New York, and all other persons of any nation, kindred or tongue, are bound, when in Virginia, so to acknowledge them, and so to submit to the authority of Virginia when within her domain. All speculations upon abstract rights, must vanish before the positive institution.

The committee cannot look with any less indignation at the act of the

Legislature of New York.

This act shows upon its face that it was intended to throw such obstruction in the way of the master in the recovery of his fugitive slave, as would amount to a denial of his right, or at least would incumber him with difficulties calculated to suppress his demand and defeat his application. This right to reclaim persons escaping from service to which they were bound in another State, is based on the provisions of the Constitution of the United States, and the manner of its enforcement has been prescribed by the Congress by minute provisions. This act of Congress is the supreme law, and no State has any right or lawful power to contravene its provisions, or to enact any statute requiring other things to be performed before the act of Congress shall have its operation. If the law of Congress is supreme, as the Constitution declares it to be, then every thing must yield to it, and no authority can qualify it.

Your committee are constrained to believe that the Executive of New York has violated the Constitution of the United States, and that the Legislature of that State has also disregarded the supreme authority of that in-

strument.

The second clause of the second section of the fourth article of the Constitution of the United States, declares that "A person charged in any State with treason, felony or other crime, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime;" and the third clause provides that "no person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

A provision, in substance like the first clause quoted, was contained in the articles of confederation—(see 4th art.)—and such was the practice of the colonies before the Revolution. It grew up with the country, because

we never were as separate nations, but were always one people.

Mr. Justice Story, in his Commentaries, says, "it is obvious that these provisions for the arrest and removal of fugitives of both classes, contemplate summary ministerial proceedings, and not the ordinary course of judicial investigations to ascertain whether the complaint be well founded, or the claim of ownership be established beyond all legal controversy." It is a "person charged" with crime, who is to be delivered up, not a person guilty. A charge in legal form, of course, was contemplated. It is on the "claim" of the party that the fugitive slave is to be delivered up, not on the right to service adjudged in a regular suit. Such was the practice in Penn-

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sylvania where the Convention was sitting, and such was the practice, it is believed, in the different States at the time the Constitution was formed.

Congress so understood the Constitution, and at an early day, when many members of the Convention were sitting in each house, passed the law requiring fugitives from justice to be delivered up by the Governor of the State to which they had fled, on the demand of the Executive of the State from which they had fled, and the production of a copy of an indictment found, on affidavit made, charging the person or persons with the crime. And the same law requires a fugitive from labor to be delivered up, upon his being taken before a Judge of the Circuit or District Courts of the U. States, residing or being within the State, or before any Magistrate of a county, city, or town corporate, wherein such seizure or arrest may be made, who is to hear proof, either oral or by written affidavit made elsewhere, and give a certificate to the claimant "which shall be sufficient warrant for removing such fugitive." And a penalty of five hundred dollars is denounced against any one who shall hinder such person in reclaiming the fugitive—see act, 12th Feb. 1793.

Yet the State of New York undertakes to throw impediments destructive to the party's right to reclaim a slave, and punishes those officers who shall attend the behests of an act of Congress to carry into effect the provisions of the Constitution.

But while your committee has cause to lament the course taken by New York, they cannot justify the act passed by Virginia and South Carolina, and the compact that has produced this joint and mutual effort on the part of these States. Virginia invites to a league of slaveholding States to assist her in her measures; and the act of South Carolina is passed, (the measure of Virginia,) on an agreemant with her. This is well professed in the preamble to the resolutions, and in the third resolution referred to your committee.

The Constitution of the United States provides in the tenth section of the first article, that no State shall, without the consent of Congress, enter into any agreement or compact with another State. This seems to be a plain inhibition on the movement of these States. Leagues among the States for action on national subjects, do supersede the Constitution, and tend to a destruction of the Union,

These States claim the right to enforce New York to an observance of the Constitution. South Carolina says "interest, duty and honor, imperiously demand, that South Carolina announce to the authorities of New York, that so soon as that State shall break its solemn faith to Virginia, so soon shall be cancelled our constitutional obligations as to her. When a State shall have been disappointed of those rights and remedies, for which stipulation was made when the compact of union was adopted, then will the painful but imperative duty of protecting her rights in her own way have been imposed upon her. This State having a common purpose and common interest with Virginia to uphold the Federal Constitution, by exacting compliance with its obligations, is prepared to make common cause with that Commonwealth in the maintenance of her rights." And again, "the basis of the whole doctrine of State rights, is the assumption that the Constitution of the United States is a compact between the States."

Your committee deny that this is any just basis of State rights. The doctrine of the American people is not that the Constitution is a mere com-

pact between the States, a breach of which on the part of one is to be remedied by coercive retaliation on the part of others; but that it is a form of government of the people of this nation, as sovereign in its sphere as the government of a State is within its sphere; that no State can interfere with its power or assume its action; that national subjects are under this government referred to national judicature.

Your committee believe that the duty of the respective States to comply with the provisions of the Constitution in regard to fugitives, is one to be enforced by the National Government, or it is left without a remedy; for coercion on the part of another State, implies disunion. Retaliatory exactions of compliance with the obligations of the Constitution, are dangerous

usurpations, to be deprecated by all the American people.

This act of Virginia and South Carolina, is an interference with the power of Congress under the Constitution, "to regulate commerce with foreign nations and among the several States." This power is not one that may be concurrently exercised by the States, as the preamble of South Carolina supposes; but it is one to be exercised exclusively by Congress. This American doctrine is so well established, that it would be vain to attempt to give it any support by argument at this day—see Federalist, No. 42; Kent's Commentaries, lect. 19; 2 Story's Com. 512; 9 Wheaton's Reports, Gibbons vs. Ogden. Congress has passed laws regulating commerce among the States. They have said what papers a vessel shall have to pass from New York to Charleston, and what papers she shall have at Charleston to be able to sail to New York, and neither of the States can require any other.

The committee would not contend that South Carolina had not the right to inspect a vessel to see whether slaves were concealed on her or not; this would be but the exercise of a power of police which is not denied to the States. But if the exercise of police has annexed to it restrictions aimed at navigation and commerce, then its character is changed, and it is inhibited by the Constitution. In this instance, the power attempted to be exercised, is for retaliation and compulsion, and burdens on navigation are imposed

that come from no motive of police.

Your committee have witnessed, with much concern, the difference between these States on these subjects. The quiet union of the American States, should strike every lover of mankind as a disaderatum unsurpassed by any subject of sublunary concern; and so it is felt by the people of Kentucky. They do, therefore, recommend the adoption of the following resolutions:

1. Resolved, by the General Assembly of the Commonwealth of Kentucky, That Kentucky has seen with regret the course taken by New York on the subject mentioned in the foregoing report, and that she cannot justify the movements of Virginia and South Carolina in reference to the State of New York.

2. Resolved, That the people of Kentucky look upon the people of each of these States as their countrymen, living under a Federal Government, supreme on the subjects confided to it by the people in the Constitution.

3. Resolved, That the Governor forward a transcript of the foregoing report, and these resolutions, to Governors of the several States, and to each of our Senators and Representatives in Congress.

HENRY PIRTLE, Chairman.

The said report and resolutions were concurred in.

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The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to amend the law establishing the Board of Internal Improvement.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Slaughter, from the committee on Agriculture, to whom was referred preamble and resolutions from the House of Representatives in relation to the duty imposed on tobacco by France and England, reported the same without amendment.

Resolved, That the said preamble and resolutions be concurred in.

A message was received from the House of Representatives, announcing that they had adopted resolutions in relation to the duties of Superintendent of Public Instruction, and the printing and distribution of the School Acts—which was twice read and concurred in.

The Senate resumed the consideration of a bill to amend the Militia Law.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were reported from the committees to whom they were referred, with amendments to each, viz:

By Mr. Payne, from the committee on Banks—An act for the benefit of the Northern Bank of Kentucky.

By Mr. Pirtle, from the committee on the Judiciary—An act supplemental to an act granting certain powers to the Bank of Kentucky, approved 22d February, 1842.

An act to change the name of the Boone Academy, and for other purposes.

The said amendments were twice read and concurred in.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were reported from the committees to whom they were referred without amendment, viz:

By Mr. Pirtle, from the committee on the Judiciary—An act for the benefit of the heirs of William Guyton, deceased.

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An act to repeal all laws providing for the appointment of Constables in Henry county, and for other purposes.

By Mr. Jesup, from the committee on Military Affairs-An an act for

the benefit of S. Camron and others.

By Mr. G. W. Johnston, from the committee on Finance—An act for the benefit of William B. Brown.

By Mr. Young, from the committee on Religion—An act for the divorce and change of name of Elizabeth Pryor.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of Polly Greenbee and her four youngest children.

An act to incorporate the Methodist Episcopal Church in the city of Covington.

An act to amend the several acts establishing Common Schools.

An act more effectually to protect the right of suffrage.

Approved March 1, 1842.

On the motion of Mr. J. V. Walker, the committee on Propositions and Grievances was discharged from the further consideration of the petition of sundry citizens of Livingston and Crittenden counties, praying for the repeal or suspension of the act establishing the county of Crittenden.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to re-establish the town of Portland, reported the same without amendment. The said bill was amended, and ordered to be read a third time.

Mr. J. V. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Andrew Barnett, reported the same without amendment.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the orders of the day.

A bill to amend the law concerning the taking of depositions, was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

A bill to amend the law providing compensation for Commissioners of

tax, was taken up, the blanks therein filled, and was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. D. Morgan, from the committee on the Penitentiary, made the following report, viz:

The committee on the Penitentiary beg leave to make the following re-

That on several occasions during the present session, they have visited that institution and directed a careful and minute investigation of every department thereof. The extension and improvement which has been made to the building, as well as the attention which is bestowed by the Superintendent toward the general discipline, morals and comfort of the unfortunate inmates, has met the entire approbation of your committee. The general health of the prisoners is good. The superior excellence of every article of their manufacture, which embraces almost every useful one in the mechanic art, will enable them to compete, successfully, in any market, with articles of the same description.

The strict discipline, tempered with proper considerations of mercy, which seems to prevail throughout the institution, evidence the ability with which it has been conducted by the present experienced Superintendent.

The committee report that the new edifice recently erected, comprising 252 new cells, (to which allusion has been made in the annual report of the Superintendent,) has been completed in a finished and substantial order of architecture that would favorably compare with any similar edifice throughout the States, and is viewed by your committee as another striking evidence of the excellence which has been attained in that description of mechanic labor by the individuals there confined. This improvement, whilst it leaves the prospect of escape from the prison scarcely within the pale of possibility, cannot but conduce much to the health and comfort of the tenants of the institution, having been constructed on a plan that affords as free and healthy ventilation as could be attained, (a due consideration being had to the security of the convicts,) and one that renders the cells easily warmed in inclement weather, without endangering the building from fire.

Your committee will only add with respect to further improvements which have been made the preceding year, that they have been carefully inspected, and they find their execution and progress, and the utility and convenience which they must afford to the institution, in strict conformity to the representations made thereof in the annual report of the Superintendent, and submitted to the Legislature at its present session, to which report your committee here beg leave to refer for a statistical table of the number of convicts now confined in the institution, their sex, age, nativity, counties where convicted, their offence, term of sentence, &c. &c.

The committee, in their investigation of the fiscal concerns of the institution, examined the books and accounts thereof, which they find kept in a neat and clerical manner, and as they are induced to believe, by a very accurate and competent accountant. The books of the institution evidence a prosperous and profitable condition of its affairs during the preceding year.

The accompanying document marked A, submitted to the committee by the Clerk of the Institution, which document is prefaced by an explanatory note addressed to the Chairman of your committee, presents, in a concise manner, the fiscal concerns of the institution for each quarter of the preceding year, and the various disbursements thereof.

All of which is respectfully submitted.

DANIEL MORGAN, Chairman.

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Office Kentucky Penitentiary, Frankfort, February 28, 1842.

Daniel Morgan, Esq., Chairman Com. on Penitentiary in Senate.

SIR:

The following are the condensed quarterly reports of the fiscal condition of this institution, taken from the account books and reported to the Commissioners of the Sinking Fund. You remember that similar tables were reported to you last session, which, with those now communicated, bring them up from the 1st of March, 1839, the date of the present contract with the Keeper, to the end of the last quarter, viz: Nov. 30, 1841.

Respectfully, your ob't servant,

THOS. B. STEVENSON, Clerk Penitentiary.

February 28th, 1841.

Dr.	STATE	PRISON.	Cr.
To Tho. S. Theobald, To sundry creditors, To Penitentiary,	- \$40,223 16 - 4,342 37 - 6,604 89	By Commonwealth, By bills receivable, By cash, By suspense account, By interest, - By sundry debtors,	- \$1,254 - 1,755 - 812 - 325 - 10 - 47,011
	\$51,170 42		\$51,170
	May 31	st, 1841.	
To Tho. S. Theobald, - To sundry creditors,	- \$22,670 19 - 3,201 35	By Commonwealth, By sundry debtors, By bills receivable, By Penitentiary, By cash, By interest, By suspense account,	- \$1,262 - 20,676 - 1,851 - 458 - 89 - 10 - 1,522
	\$25,871 54		\$25,871

A-Continued.

August 31st, 1841.

	11.08		C. C
Dr.	STATE I	STATE PRISON.	
To Tho. S. Theobald, - To sundry creditors, -	- \$28,551 08 - 4,057 73	By Commonwealth, By bills receivable, By Penitentiary, By cash, By interest, By suspense account, By sundry debtors,	\$1,290 50 - 2,669 41 - 5,456 41 - 176 67 - 1 39 - 2,173 28 - 20,841 15
	\$32,608 81	20/1 10/1	\$32,608 81
	November	30th, 1841.	A DEFENDE
To Tho. S. Theobald, To sundry creditors, To Penitentiary,	- \$37,618 18 - 3,589 47 - 11,718 53	By sundry debtors, By bills receivable, By suspense account, By Commonwealth, By cash, By interest,	- \$45,372 20 - 2,809 31 - 3,146 85 - 1,296 88 - 299 55 - 1 38
	\$52,926 18		\$52,926 18

A bill from the House of Representatives, entitled, an act for the benefit of L. B. Stoughton, came up in the orders of the day.

The question being taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Wallace, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Alexander, Bailey, Bennett, Burnett, Garth, Hanson,	Jesup, Johnson, B. B. Johnston, G. W. Loving, McAfee, Morgan, D.	Pratt, Rodes, Slaughter, Wallace, Williams, M. Williams, S. L-20
Hanson, Huston,	Morgan, J. S.	Williams, S. L-20

Those who voted in the negative, were-

Messrs. Craddock,	Payne,	Walker, C. J.
Griffith,	Sterett,	Walker, J. V.
Hardin,	Sympson,	Young—10.
McElroy,	Dynipson,	, roung

A bill from the House of Representatives, entitled, an act for the benefit of the Contractors on the Crab Orchard and Cumberland Gap turnpike road, was ordered to be read a third time.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Letcher, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as afore-said.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill concerning the town of Frankfort, reported the same without amendment. The said bill was laid on the table.

Mr. Craddock, from a select committee, reported a bill to alter the time of the annual meeting of the General Assembly—which was read the first time, and ordered to be read a second time.

Mr. Alexander, from the joint committee of Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act for the benefit of Francis Graves.

An act for the benefit of Thomas J. Nolen.

An act to amend an act further to regulate the Shelby and Franklin turnpike, and for other purposes.

An act to allow an additional Constable to the counties of Oldham and Nelson.

An act for the benefit of John McDonald.

An act for the benefit of the Versailles Artillery Company, and for other purposes.

An act for the benefit of the 15th Regiment of Kentucky Militia.

An act for the benefit of William P. Caldwell, of Caldwell county.

An act to regulate the prices of the Public Printing.

An act for the benefit of Jacob Rizer, and others.

An act for the benefit of William Newton, late Sheriff of Daviess county.

Preamble and resolution in relation to the establishment of an Armory in the west.

Preamble and resolutions in relation to the navigation of the western rivers.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee were directed to lay the said bills and resolutions before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

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The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act for the benefit of Andrew Barnett.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Young, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of John Skillman, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and William Fenwick."

Mr. Young, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and to divorce Elizabeth Swim."

Leave was given to withdraw the petition of David A. Sayre and the accompanying documents.

The committee on Religion was discharged from the further consideration of all the business before them.

And then the Senate adjourned,

THURSDAY, MARCH 3, 1842.

A message was received from the House of Representatives, announcing that they had disagreed to the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

An act to appropriate the proceeds of the sales of the public lands to the payment of the State debt for Internal Improvement.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, and act to incorporate the Trustees of the Moscow Seminary, with an amendment to the amendment.

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That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act for the divorce and change of name of Amanda Skeeters.

An act for the benefit of the Northern Bank of Kentucky.

That they had passed bills from the Senate of the following titles, viz:

An act for the divorce of Jefferson A. Murray.

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors, approved February 15th, 1838.

An act to amend the laws exempting certain property from execution.

With an amendment to the last named bill.

That they had passed bills of the following titles, to wit:

1. An act granting a bounty on Silk Cocoons.

- 2. An act to provide for the purchase and distribution of certain books to public officers.
- 3. An act for the benefit of the German Lutheran community of Lexington.
 - 4. An act concerning the tax upon forfeited lands.
- 5. An act to authorize the sale of seven acres of land by the State agent for Garrard county, and appropriate the proceeds of sale.
 - 6. An act to tax Exchange Brokers.
- 7. An act to amend an act authorizing Fire Companies in Lexington, approved in 1798 and amended in 1840.
- S. An act for the benefit of John and Jacob McGlossin, Contractors on the Owingsville and Big Sandy turnpike road.
- 9. An act to establish an election precinct in the county of Lawrence, and for other purposes.
- 10. An act to amend the law in relation to keeping certain roads in repair, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the 6th being amended,

Resolved, That the said bills, the 6th as amended, do pass, and that the titles thereof be as aforesaid.

Mr. J. S. Morgan, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the 4th section of an act to provide for the improvement of the road from Franklin county to the Crab Orchard, in Lincoln county, reported the same without amendment. The said bill was laid on the table.

The committee on Internal Improvement was discharged from the further consideration of all the business before them.

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Mr. G. W. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the appropriation of money, reported the same with amendments, which were concurred in.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

After a short time a message was received from the House of Representatives, announcing that they had concurred in the said amendments.

The committee of Finance and the committee on Education were discharged from the further consideration of all the business before them.

On the motion of Mr. Huston,

Resolved, That the Public Printer be authorized and required to print and forward to each member of the Senate, one hundred copies of the list of the several acts passed at the present session, with brief explanations of their purport.

Mr. McAfee read and laid on the table the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That all persons having unsettled claims for work and labor done on the works of Internal Improvement, shall present the same to the Board of Internal Improvement, with the vouchers or evidence to support the same, on or before the first day of November next, who shall examine the same and report the said claims, and their opinions as to the justice of each, to the next Legislature.

Resolved, That said Board shall make their report during the second

week of the next session of the General Assembly.

The rule of the Senate being dispensed with, the said resolutions were taken up, twice read and adopted.

After some time, a message was received from the House of Representatives, announcing that they had concurred in the said resolutions.

The amendments proposed by the House of Representatives to a bill, entitled, an act to amend the laws exempting certain property from execution, were twice read and concurred in.

The amendment proposed by the House of Representatives to the amendments proposed by the Senate to a bill from that House, entitled, an act to incorporate the Trustees of the Moscow Seminary, was twice read and concurred in.

Resolved. That the Senate recede from the amendments proposed by them to a bill from the House of Representatives entitled, an act to appropriate the proceeds of the sales of the public lands to the payment of the State's debt for Internal Improvement.

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Resolved, That the Senate insist on the amendment proposed by them to a bill from the House of Representatives, entitled, an act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

After a short time a message was received from the House of Representatives, requesting the appointment of a committee of conference on the said bill. Whereupon, Messrs. James, Burnett and Hardin were appointed

the said committee, on the part of the Senate.

After a short time Mr. James reported that the committee of conference had agreed that the House of Representatives recede from their disagreement to the said amendment.

A message was received from the House of Representatives, announcing that they had receded from their disagreement to the said amendment.

Bills from the House of Representatives of the following titles, were read the third time, the first as amended, viz:

An act to re-establish the town of Portland.

An act for the benefit of L. B. Stoughton.

Resolved, That the said bills, the first as amended, do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the Contractors on the Crab Orchard and Cumberland Gap turnpike road, was read the third time.

On the motion of Mr. Payne, the vote by which the said bill was ordered to be read a third time, was re-considered.

Mr. McAfee moved to lay the said bill on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Wallace, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Burnett,
Griffith,
Hardin,
Huston,
James,
Jesup,
Walker, J. V.
Williams, M—11.

Those who voted in the negative, were-

Messrs. Craddock, Morgan, D. Slaughter,
Dyer, Morgan, J. S. Wallace,
Hanson, Payne, Williams, S. L.
Johnston, G. W. Pirtle, Young—14.
Loving, Rodes,

The said bill was amended and ordered to be read a third time, as amended.

On the motion of Mr. Burnett, leave was given to withdraw the petition of sundry citizens of Livingston and Crittenden counties, praying for the repeal or suspension of the act to establish the county of Crittenden.

A bill to change the time of the annual meeting of the General Assembly, was read the second time, and ordered to be engrossed and read a third time.

The yeas and nays being required thereon by Messrs. Burnett and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey,	Johnson, B. B.	Payne,
Craddock,	Johnston, G. W.	Wallace,
Garth,	McAfee,	Williams, M.
Hanson,	Morgan, D.	Young-14.
Hardin,	Morgan, J. S.	

Those who voted in the negative, were-

Messrs. Burnett,	James,	Sterett,
Dyer,	Loving,	Walker, J. V.
Griffith,	Rodes,	Williams, S. L-10
Huston.		THE RESERVE OF THE PARTY OF THE

Mr. Garth moved to take up a bill to amend the slave law of 1833.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Garth and Wallace, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Garth,	Johnson, B. B.	Williams, M-5.
James,	Wallace,	

Those who voted in the negative, were-

Messrs. Bailey,	Jesup,	Pratt,
Bennett,	Johnston, G. W.	Rodes,
Clarke,	Loving,	Slaughter,
Craddock,	McAfee,	Sterett,
Dyer,	Morgan, D.	Walker, J. V.
Hanson,	Morgan, J. S.	Williams, S. L.
Hardin,	Pirtle,	Young-22.
Huston		

A bill for the benefit of Benedict Joseph Flaget, was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hanson, upon leave given, reported a bill supplemental to an act establishing the county of Letcher, and regulating the terms of the Perry Circuit Court, and to establish an election precinct in McCracken county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

After a short time, a message was received from the House of Representatives, announcing that they had passed the said bill.

A message was received from the House of Representatives, announcing that they had disagreed to the amendment proposee by the Senate to a bill from that House, entitled, an act to amend the law establishing the Board of Internal Improvement.

Resolved, That the Senate insist on the said amendment.

After a short time, a message was received from the House of Representatives, requesting the appointment of a committee of conference thereon. Whereupon, Messrs. McAfee, Hanson and S. L. Williams were appointed the said committee. Soon after, Mr. Hanson, from the said committee, reported that they had come to the following agreement, viz:

The committee of conference on the disagreement of the Senate and House of Representatives as to the bill to amend the law establishing the Board of Internal Improvement, have agreed to, and report the following amendment:

Strike out first section of Senate's bill and insert the following:

That the Board of Internal Improvement shall, hereafter, consist of a President, to be appointed by the Governor, by and with the advice and consent of the Senate, the Treasurer, for the time being, ex officio member, and a Secretary, to be appointed in like manner with the President, and receive an annual salary of five hundred dollars; and said Treasurer shall receive one hundred dollars, annually, for his services as member of said Board.

Add the following section to Senate's bill:

That if any local Board of Internal Improvement on the turnpike roads, shall incur liabilities or contract debts beyond the amount which may, at any time, be allotted to their respective roads, contrary to the instruction of the Board of Internal Improvement, the President and Directors of such local Board shall be responsible for the same in their individual capacities.

A message was received from the House of Representatives, announcing that they had concurred in the said report of the committee.

Resolved, That the Senate concur in the said report.

A message was received from the House of Representatives, announcing that they had disagreed to the amendments proposed by the Senate to a bill from that House, entitled, an act supplemental to an act granting certain powers to the Bank of Kentucky, approved February 22, 1842.

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Resolved, That the Senate insist on the said amendments.

Messrs. Pirtle, Payne and Rodes were appointed a committee of conference, on the part of the Senate, thereon; and Mr. Pirtle was directed to inform the House of Representatives thereof, and request the appointment of a committee on their part.

After some time, Mr. Pirtle reported that the committee of conference had met and come to an agreement on the said bill, which he handed in at

the Clerk's table.

The said report and agreement were twice read and concurred in.

A message was received from the House of Representatives, announcing that they had concurred in the said report,

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to change the name of the Boone Academy, and for other pur-

poses.

An act for the divorce of John Skillman.

An act to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens.

An act to re-establish the town of Portland.

That they had passed bills from the Senate of the following titles, to wit:

An act to amend the law concerning depositions.

An act further to define the crime of arson by a slave.

An act authorizing the exchange of thirty year State bonds for six year State bonds.

An act to amend an act, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial District.

An act for the divorce of Susan Wright, and to restore her to her former name.

An act to amend the law providing compensation for Commissioners of tax.

An act for the benefit of Pryor Sandford and wife, and for other purposes.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to provide for the payment of the delts already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky, with an amendment.

The said amendment was twice read.

Mr. Payne moved the previous question.

Mr. Rice moved to lay the said bill and amendments on the table.

The question being taken on the motion of Mr. Rice, it was decided in the negative.

11. 11

The yeas and nays being required thereon by Messrs. Rice and Garth, were as follows, to wit:

Those who voted in the affirmative, were-

Messrs. Burnett, Johnson, B. B. Sterett, Walker, J. V. Hardin, James, Rice, Williams, M—10.

Those who voted in the negative, were-

Messrs. Alexander. Huston, Pirtle. Jesup, Pratt. Bailey, Johnston, G. W. Rodes, Slaughter, Wallace, Bennett. Loving, Morgan, D. Clarke, Craddock. Morgan, J.S. Dyer, Williams, S. L. Young-23. Griffith, Palmer, Hanson, Payne,

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jesup and Garth, were as follows, viz:

Those who voted in the affirmative, were-

Hanson, Pirtle. Messrs. Alexander, Pratt, Bailev. Huston, Johnston, G. W. Bennett, Rodes. Clarke. Loving, Slaughter, Morgan, D. Craddock. Wallace, Walker, J. V. Morgan, J. S. Dver. Palmer, Williams, S. L. Garth. Griffith, Payne, Young-24.

Those who voted in the negative, were-

Messrs. Burnett, Jesup, Rice,
Hardin, Johnson, B. B. Sterett,
James, McAfee, Williams, M-9.

The question was taken on concurring in the said amendment, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garth and Sterett, were as follows, viz:

Those who voted in the affirmative, were-

Messrs. Bailey, Craddock, Johnston, G. W. Bennett, Dyer, Loving, Clarke, Hanson, Morgan, D.

Morgan, J. S. Payne, Pirtle, Pratt, Rodes, Slaughter,

Wallace, Williams, S. L. Young—18.

Those who voted in the negative, were-

Messrs. Alexander, Burnett, Garth, Griffith, Hardin, Huston, James, Jesup, Johnson, B. B. McAfee,

Palmer, Rice, Sterett, Walker, J. V. Williams, M—15.

On the motion of Mr. Payne,

Ordered, That the Public Printer print 300 copies of the preamble and resolutions in relation to the Banks, adopted by the Senate.

A message was received from the House of Representatives, announcing that the Governor had approved and signed enrolled bills of the following titles, which originated in the House of Representatives, viz:

An act to amend an act further to regulate the Shelby and Franklin turnpike, and for other purposes.

An act for the benefit of William Newton, late Sheriff of Daviess county. An act for the benefit of Thomas J. Nolen.

An act for the benefit of John McDonald.

An act for the benefit of the Versailles Artillery Company, and for other purposes.

An act to regulate the prices of the Public Printing.

An act for the benefit of Jacob Rizer, and others.

An act to allow an additional Constable to the counties of Oldham and Nelson.

An act for the benefit of Francis Graves.

An act for the benefit of William P. C. Caldwell, of Caldwell county.

An act for the benefit of the 15th Regiment of Kentucky Militia.

Also, preamble and resolution in relation to the establishment of an Armory in the west.

Preamble and resolutions in relation to the navigation of the western rivers.

Approved March 2, 1842.

Mr. Alexander, from the joint committee of Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the House of Representatives of the following titles, and had found the same truly enrolled, to wit:

An act for the divorce of John Skillman and William Fenwick.

An act to change the name of the Boone Academy, and for other purposes. An act granting a bounty on Silk Cocoons.

An act to provide for the purchase and distribution of certain books to public officers.

An act concerning the tax upon forfeited lands.

An act for the benefit of L. B. Stoughton.

An act to appropriate the proceeds of the sales of the public lands to the payment of the State's debt for Internal Improvement.

An act for the benefit of John and Jacob McGlossin, Contractors on the Owingsville and Big Sandy turnpike road.

An act to amend the law in relation to keeping certain roads in repair, and for other purposes.

An act supplemental to an act granting certain powers to the Bank of Kentucky, approved 22d February, 1842.

An act to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens, and to divorce Elizabeth Swim.

An act to incorporate the Trustees of the Moscow Seminary, and for other purposes.

An act to amend the law establishing the Board of Internal Improvement.

An act to authorize the sale of seven acres of land by the State agent for Garrard county, and appropriate the proceeds of sale.

An act to establish an election precinct in the county of Lawrence, and for other purposes.

An act appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

An act for the benefit of the German Lutheran community of Lexington.

An act for the appropriation of money.

An act to re-establish the town of Portland.

An act to establish the county of Letcher.

An act for the benefit of the Northern Bank of Kentucky.

An act for the divorce and change of name of Amanda Skeeters and to divorce Jackson Howerton and wife.

An act to repeal all laws providing for the appointment of Constables in Henry county, and for other purposes.

An act for the benefit of William B. Moore.

An act for the benefit of the heirs of William Guyton, deceased.

An act for the benefit of S. Camron and others.

An act for the divorce and change of name of Elizabeth Pryor.

Resolutions in relation to the duties of Superintendent of Public Instruction and the printing and distributing of the School Acts.

Preamble and resolutions in relation to the duty imposed on tobacco by France and England.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee were directed to lay the said bills and resolutions before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

Some time after, a message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed the said bills and resolutions.

Mr. Alexander, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate of the following titles, and had found the same truly enrolled, to wit:

An act to regulate the town of Cadiz.

An act for the benefit of William Quisenbery.

An act concerning the Register of the Land Office.

An act for the divorce of Jefferson A. Murray.

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors.

An act to amend the laws concerning depositions.

An act to amend the laws exempting certain property from execution.

An act supplemental to the act establishing the county of Letcher, and regulating the terms of the Perry Circuit Court, and to establish an election precinct in McCracken county.

An act further to define the crime of arson by a slave.

An act to amend an act, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial District.

An act for the benefit of Pryor Sandford and wife, and for other purposes.

An act for the divorce of Susan Wright, and to restore her to her former

An act authorizing the exchange of thirty year State bonds for six year State bonds.

An act to amend the law providing compensation for Commissioners of tax.

An act to provide for the payment of the debt already due to Contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

Resolutions concerning unsettled claims for work done on Internal Improvement.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the committee was directed to lay the same before the Governor for his approbation and signature. After a short time Mr. Alexander reported that the committee had performed that duty.

After some time, a message was received from the Governor, announcing that he had approved and signed the said bills and resolutions.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows:

EXECUTIVE OFFICE, March 3, 1842.

Gentlemen of the Senate:

I nominate for your advice and consent, Hiram Hogg, James Collins, John Williams, John W. Jenkins, William Stamper, Elisha Breeding, and John Mayguard, to be Justices of the Peace in the new county of Letcher.

Samuel Francis to be Sheriff of said county, and George Adams to be Coroner of said county.

R. P. LETCHER.

Gentlemen of the Senate:

I respectfully ask leave to withdraw the nominations, made the 18th of February, of Thomas Metcalfe as President and Samuel Daviess, Peter Dudley and Hezekiah P. Murrell, as members of the Board of Internal Improvement.

I nominate Thomas Metcalfe as President, and Austin P. Cox as Secretary of the Board of Internal Improvement, under the act, entitled, "an act to amend the law establishing the Board of Internal Improvement," approved

the 3d March, 1842.

R. P. LETCHER.

March 3, 1842.

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Resolved, That leave be given to withdraw the said nominations, and that the Senate advise and consent to the said appointments.

On the motion of Mr. Payne, a message was sent to the House of Representatives to inform them that the Senate have finished the Legislative business before them, and are now ready to adjourn without day.

Messrs. Payne, Pirtle and Sterett were appointed a committee, on the part of the Senate, to wait on the Governor and inform him that the General Assembly have finished the Legislative business before them, and to know if he has any further communication to make to them.

A message was received from the House of Representatives, announcing that they had finished the Legislative business before them, and are now ready to adjourn, and that they had appointed a committee, on their part, to wait on the Governor.

The committee on the part of the Senate then retired, and after a short time returned, when Mr. Payne reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he had no further communication to make.

Mr. G. W. Johnston being in the Chair, Mr. Loving moved the following resolution, viz:

Resolved, That the thanks of the Senate be tendered to the Hon. Man-

lius V. Thomson, for the able, dignified and impartial manner in which he has discharged the duties of Speaker of the Senate during the present session.

Which was twice read and unanimously adopted.

The Speaker having resumed the Chair, delivered an appropriate valedictory address, and adjourned the Senate without day.

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